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MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND ENFORCEMENT COMMITTEE

SOLANO COUNTY GOVERNMENT CENTER
675 TEXAS STREET
MULTIPURPOSE ROOM, 1600
FAIRFIELD, CALIFORNIA

TUESDAY, OCTOBER 10, 2006

5:00 P.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chairperson

Ms. Cheryl Peace

Ms. Pat Wiggins

BOARD MEMBERS

Ms. Margo Reid Brown, Board Chairperson

Mr. Jeffrey Danzinger

STAFF

Mr. Mark Leary, Executive Director

Mr. Elliot Block, Acting Chief Counsel

Mr. Howard Levenson, Deputy Director

Mr. Michael Bledsoe, Senior Staff Counsel

Ms. Christine Karl

ALSO PRESENT

Mr. Dwight Acey, Citizens Against the Dump Expansion

Mr. Larry Bahr, Fairfield-Suisun Sewer District

Ms. Jane Bogner, Sierra Club

Mr. Arthur Feinstein, SPRAWLDEF

Ms. June Guidotti, Protect The Marsh

Mr. George Guyan

Mr. Frank Kardos, Fairfield City Council

Mr. Duane Kromm, Solano County

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APPEARANCES CONTINUED

ALSO PRESENT

Ms. Monica Lopes

Ms. Lorraine McGee

Mr. Morland G. "Mac" McManigal, Fairfield/Suisun Chamber
of Commerce

Mr. John Mraz, Councilman, City of Fairfield

Mr. John F. Silva, Solano County Board of Supervisors

Mr. Brad R. Smith, Brad R. Smith & Associates

Ms. Yoshiko Tagami

Mr. David Isaac Tam, Northern California Recycling
Association

Ms. Virginia Thomas

Ms. Amber Vierling, Law Office of Amber Vierling

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1 PROCEEDINGS

2 CHAIRPERSON MULÉ: I'd like to call this meeting
3 to order.

4 Welcome to the October 10th meeting of the
5 Permitting and Enforcement Committee. This is a
6 continuation of our committee meeting from this morning.
7 And we're here this evening to hear Committee Item E,
8 which is Board Agenda Item 15.

9 First of all, on the back table there in the room
10 there are speaker slips. So if anyone has not filled out
11 a speaker slip and you wish to address our Committee and
12 the Board, please do so at this time.

13 Also, there's copies of the agenda item back
14 there as well.

15 And I would like to ask all of you to please
16 either turn off or put in the silent mode your cell phones
17 and pagers.

18 Thank you very much.

19 Now, Kristin, would you please call the roll.

20 SECRETARY GARNER: Members Peace?

21 COMMITTEE MEMBER PEACE: Here.

22 SECRETARY GARNER: Wiggins?

23 COMMITTEE MEMBER WIGGINS: Here.

24 SECRETARY GARNER: Mulé?

25 CHAIRPERSON MULÉ: Here.

1 CHAIRPERSON MULÉ: And also this evening, we have
2 our Board Chair, Margo Brown, and Board Member Jeffrey
3 Danzinger. Thank you for being here this evening.

4 Okay. Members, do we have any ex partes to
5 report?

6 COMMITTEE MEMBER PEACE: I just said hi to Chuck
7 Helget.

8 CHAIRPERSON MULÉ: I'm up to date.

9 COMMITTEE MEMBER WIGGINS: I'm up to date.

10 CHAIRPERSON MULÉ: Okay. Thank you.

11 Before we get started on this Committee item, I'd
12 like to ask our legal counsel to provide us with an --

13 COMMITTEE MEMBER WIGGINS: I'm sorry. I met -- I
14 went to Potrero Hills today and Evan Edgar was there. So
15 that's my --

16 CHAIRPERSON MULÉ: Okay. Thank you very much.

17 Okay. We're going to have our staff legal
18 counsel, Elliot Block, just give us an opening statement
19 before we start this meeting.

20 Elliot.

21 ACTING CHIEF COUNSEL BLOCK: Thank you.

22 I want to set some context for this meeting and
23 how it fits within the Board's process for considering the
24 proposed Potrero permit.

25 As mentioned, tonight's hearing is a continuation

1 of our regularly scheduled Permitting and Enforcement
2 Committee meeting. The rest of the items on our Committee
3 agenda were heard in Sacramento this morning. And we
4 continued the meeting to tonight in order to allow for
5 public testimony on the proposed permit at a more
6 convenient time and place for members of the public.

7 The Board's normal process requires items to be
8 heard by one of its committees first, which then makes a
9 recommendation to the full Board for a final decision.

10 In the matter we're discussing tonight, the
11 applicant for this permit has waived the normal timeframes
12 that would apply to this permit and the LEA has accepted
13 that waiver. Therefore, the Board hearing for final
14 decision for this item that was scheduled for next week is
15 actually being postponed.

16 This matter will come back to the Committee for a
17 recommendation and the Board for a final decision
18 sometime -- at the earliest next month, November.

19 However, since the next public hearing had
20 already been scheduled, the Committee has decided to take
21 public testimony on this proposed permit tonight after a
22 presentation by Board staff.

23 Tonight's testimony will be part of the record
24 for this item and will be something that the Committee and
25 the Board will consider in making its decision. However,

1 I want everybody to be aware that the Committee will not
2 be making any recommendations for or against the permit
3 tonight. This is simply an opportunity for the Committee
4 to hear public testimony.

5 CHAIRPERSON MULÉ: Thank you, Elliot.

6 So we will be hearing the item from our staff and
7 we will be taking public comment. But we will not be
8 rendering any decision on this permit until at least next
9 month.

10 So with that, I'd like to turn this over to our
11 staff, Howard Levenson, our Deputy Director.

12 Howard.

13 DEPUTY DIRECTOR LEVENSON: Thank you, Madam
14 Chair.

15 Can you hear me?

16 I'm Howard Levenson, Deputy Director for
17 Permitting and Enforcement at the Waste Board. And as
18 you've indicated, this item requests that the Board
19 consider the proposed revised permit for the Potrero Hills
20 Landfill.

21 As you know, as Mr. Block just stated, the
22 operator has submitted a letter today waiving time on this
23 proposed permit; the LEA has accepted that. But we did
24 feel for purposes of this meeting tonight and for hearing
25 the public testimony that we set the stage in terms of the

1 proposed permit that we had received on September 8th and
2 the status of our findings on that proposed permit.

3 As you know, at the time this item was written
4 and posted into the Board's electronic agenda item system,
5 staff had recommended Option 2, which was objecting to the
6 issuance of the proposed permit for several reasons. And
7 I think it's important for the record to get those reasons
8 out on the public record so that everyone understands
9 where staff's perspective is on this item.

10 Primary among these reasons was that staff did
11 not make the required finding regarding the consistency of
12 the closure and post-closure plans to state minimum
13 standards because the initial permit application package
14 did not include those plans.

15 Staff also was unable to make the required
16 finding regarding financial assurances for the landfill.
17 And we're still unable to make those findings.

18 In addition, the facility was not found to be in
19 compliance with state's minimum standards during two staff
20 inspections that were conducted in late September. And we
21 still have questions about the CEQA documentation and the
22 joint technical document that's part of the permit
23 package.

24 Now, we received the proposed permit on September
25 8th, which did not allow much time for review of the

1 associated documents. I think it's important for the
2 Board to understand that typically we see many of these
3 kinds of documents in pre-draft form, and so we're able to
4 perform some kind of initial review and go back and forth
5 in terms of providing feedback to the LEA and the operator
6 about those documents. But that was not the case in this
7 situation.

8 Moreover, the fact that the permit application
9 package did not contain the closure and post-closure plans
10 and other required items was particularly frustrating to
11 me and to staff in general. The LEA could have and, in my
12 view, should have rejected the permit application package
13 as incomplete, but it did not. So this puts staff in the
14 awkward position of developing this item with incomplete
15 information.

16 We've been in constant communication with the LEA
17 on these issues, and we also met with the operator at
18 their request last Wednesday to discuss these issues
19 further.

20 At that time, the operator did submit some
21 plans -- closure and post-closure plans to us. But those
22 did not include what we term "slope stability analysis".
23 And I'll come back to that in a second.

24 But I'd like the Board -- the Committee to
25 understand several points about these kinds of plans.

1 First of all, they're very complex engineering documents.
2 For purposes of a permit process and the time clocks -- or
3 timeframes associated with the permitting process, our
4 regulations anticipate that we will have 60 to 90 days to
5 make a finding about completeness and then a subsequent
6 finding about the consistency of those plans with state
7 minimum standards.

8 First we have 30 days within which to make a
9 determination about the completeness of those closure and
10 post-closure plans. Then for purposes of the permit
11 consideration, staff has 60 days to make a finding
12 regarding consistency with state minimum standards. And
13 usually that determination involves some back-and-forth
14 consultation with the Regional Water Board that has
15 oversight over the particular landfill.

16 So, typically, if everything is going according
17 to the normal process, the Waste Board staff and the LEA
18 would have received these plans before the LEA received
19 the permit application. And that's well before the
20 permit -- proposed permit is actually forwarded to the
21 Board.

22 In this case, we didn't receive the plans until
23 last week, after the proposed permit was sent to us on
24 September 8th. And as I noted, the plans still did not
25 have the slope stability analysis. And since this

1 proposed permit entails a vertical expansion, the question
2 of slope stability is of great importance in reviewing the
3 plans.

4 So without an analysis of slope stability
5 specifically for what is called Phase 1.5, the plans would
6 still be incomplete and our finding would continue to be
7 one of nonconsistency with the closure and post-closure
8 plan state minimum standards.

9 Even if we get the analysis this week, the site
10 analyses are complex. We may have questions requiring
11 some back and forth between our staff and regional board
12 staff as well the operator and the LEA. And so it may
13 take some time for us to come to some conclusions about
14 that plan. We're not prejudging the slope stability
15 analysis. We just typically need quite a bit of time to
16 do a thorough review.

17 So with that backdrop and understanding that the
18 operator has waived the timeframe, I'm going to turn this
19 over to Christy Karl to make a little more detailed
20 presentation about what the actual proposal is as of today
21 and what the status of our findings is based on the
22 information that we had up to literally Friday and
23 yesterday.

24 CHAIRPERSON MULE: Thank you, Howard.

25 Good evening, Christy.

1 MS. KARL: Hi.

2 Good evening, Madam Chair and members of the
3 Board.

4 The item before you considers a Revised Full
5 Solid Waste Facility Permit for Potrero Hills Landfill,
6 Solano County, which is owned and operated by Potrero
7 Hills Landfill, Incorporated, its subsidiary, Republic
8 Services.

9 The operator is proposing to make the following
10 changes to the currently permitted Phase 1 area of the
11 landfill:

12 To increase the elevation from 230 feet to 310
13 feet above mean sea level.

14 To increase the estimated closure date from 2011
15 to 2013.

16 To count for purposes of the tonnage limitations
17 only the waste materials that are destined to be disposed.
18 The material currently handled that would not fall into
19 that -- within that peak daily tonnage limit of 4,330 tons
20 and 3,400 tons per day averaged over seven days includes
21 source-separated recyclables and all materials used for
22 ADC and other beneficial uses on the site such as
23 concrete, what is used for internal road construction and
24 tipping pads. The amount of these combined materials
25 received in 2005 was approximately 615 tons per day.

1 They also propose to change the hours of
2 operation from 4 a.m. to 1 a.m. seven days a week and 24
3 hours a day Monday through Friday, and with 10-hour -- or,
4 sorry -- with 20-hour days on Saturday and Sunday. They
5 would be closed from 12 a.m. to 4 a.m.

6 The hours of the site that's open to the public
7 are not proposed to change.

8 Up till today staff was recommending the Board
9 object to the proposed permit for the following reasons:

10 Staff has determined the financial assurances are
11 not adequate. The letter of credit amendment provided
12 November 4th, 2004, does not provide adequate coverage for
13 the closure and post-closure maintenance cost estimates.
14 And staff has not received evidence of operating
15 liability.

16 Closure section staff are in the process, as
17 Howard explained, reviewing a revised preliminary
18 post-closure and maintenance plan, and have not made the
19 finding that the plans are consistent with state minimum
20 standards.

21 Closure staff are in attendance, if you have
22 specific questions regarding the closure plan.

23 Staff reviewed the August 2006 version of the JTD
24 and determined that it does not contain all of the items
25 required by Title 27 California Code of Regulations,

1 Section 21600.

2 The operator provided some information informally
3 to staff on October 4th, 2006. But staff has not
4 initiated a formal review due to the lack of an accepted
5 application from the LEA to accompany the information.

6 Staff is still attempting to determine if the
7 five-year permit review report requirement was met. We
8 didn't have time to get to that.

9 Staff inspected the site and found it in
10 violation of state minimum operating standards with
11 regards to daily cover -- alternative daily cover and
12 litter control.

13 We have pictures prepared, if you'd like to see
14 them, regarding these violations when we found them.

15 And staff have determined that the proposed
16 permit is not consistent with Section 20680(a), as they
17 have not defined the operating day regarding application
18 of cover materials.

19 In compliance with Public Resources Code 44009 in
20 Title 27 CCR in 21685(b) that states the Board shall not
21 concur in the issuance of a proposed permit if certain
22 identified requirements are not met, and as is specified
23 in -- Title 27, Section 21685(b) subsections 1, 5, 7 and 8
24 have not been met -- and we're still trying to determine
25 subsection 2 -- it was determined that with this

1 information staff would recommend denial of the proposed
2 permit -- without this information staff would recommend
3 denial of the proposed permit.

4 In addition, staff has not developed a finding
5 relative to CEQA. However, the Board does not need to
6 meet requirements of CEQA in denying a permit.

7 The agenda item resolution will be updated to
8 reflect staff's findings prior to the Board meeting, which
9 now will be November.

10 And this concludes my presentation.

11 The LEA is present to address your questions and
12 the operator is here.

13 CHAIRPERSON MULÉ: Thank you, Christy.

14 Does staff have -- or does the Committee have any
15 questions of staff?

16 Howard?

17 DEPUTY DIRECTOR LEVENSON: I just want to
18 reiterate, that was our -- those are our findings as of
19 the most current information that we have. But it has to
20 be taken into the context that we now have a waiver --
21 time waiver from the operator. And as Mr. Block
22 indicated, that waiver goes to at least November. So at
23 this point, we're not actually making a formal
24 recommendation for your consideration, but maybe to hear
25 public testimony. And we will recalendar this for the

1 November Committee meeting.

2 CHAIRPERSON MULÉ: At this point in time?

3 DEPUTY DIRECTOR LEVENSON: Right.

4 CHAIRPERSON MULÉ: Correct.

5 Okay. Let's get started then with our public
6 testimony.

7 I just would like to ask folks if you could
8 please try to limit your comments to five minutes or less.

9 DEPUTY DIRECTOR LEVENSON: I think the operator
10 may wish to speak as well.

11 CHAIRPERSON MULÉ: Okay. I think first what
12 we'll do is to hear public comment. We have several
13 speaker slips. We'll hear from them first.

14 Our first speaker is Jane Bogner.

15 MS. BOGNER: Good evening.

16 I'm not sure how this mike is working.

17 My name is Jane Bogner. I live in Vallejo. I'm
18 part of the Sierra Club Solano group here in Solano
19 County. I've been following the waste and recycling
20 issues for about 18 years on behalf of the Sierra Club.

21 Landfills, as we all know, are a contentious
22 issue, no matter where they are. The Waste Board has been
23 very diligent about following AB 939 and getting --
24 diverting at least 50 percent of our trash out of the
25 landfills. And I know all of us are continuing to work

1 very hard to do that at varying -- different levels.

2 Expanding a landfill is a serious thing. Part of
3 this particular landfill is no longer a local landfill.
4 It's a regional landfill. And I guess that bothers us in
5 Sierra Club because a lot of trash is hauled in from over
6 150 miles away. And that has changed the status of that
7 landfill. And we haven't seen any good mitigation or
8 solutions to all the additional truck traffic and
9 pollution and all those other things that happen.

10 You know, there are other things that are
11 happening too. Vallejo exports its trash to another
12 landfill outside of our county limits. And here we are
13 importing from another city.

14 So I think it's something that we really need to
15 look at where this landfill is, where it's sited. It's
16 sited real close to our bay. And I know BCDC is working
17 really hard on trying to figure out if this is a good
18 place for a landfill. I don't think it is at this point.
19 I think maybe we need to look at a different spot. And to
20 expand it just is not a good thing for our local
21 environment.

22 And I thank you very much for coming down to
23 Fairfield and hearing from our public.

24 Thank you.

25 CHAIRPERSON MULÉ: Thank you, Jane.

1 Our next speaker is Brad Smith.

2 MR. SMITH: Good evening, Board members. And
3 also thank you for coming down to our neck of the woods to
4 make this easier on us. I understand it's a strain on
5 you. But thank you.

6 I live in Fairfield. I don't live near the
7 dumpsite, but I'm a concerned citizen and a resident of
8 Solano County. I don't know a lot of the technical -- the
9 laws or the requirements, so my comments are more of a
10 layperson.

11 The operator, Republic Services, request for a
12 permit modification should be denied. Landfill capacity
13 at Potrero Hills Landfill should be managed, not
14 increased. We currently -- when currently permitted
15 landfill capacity is reached, the site should be closed,
16 and a more suitable site developed that is far away from
17 the marsh and far away from residential neighborhoods,
18 with an operator that will manage the resource -- the
19 landfill capacity resource responsibly and conservatively.

20 It appears that from what we've seen that
21 Republic Services and/or Patrero Hills Landfill has been a
22 less than responsible custodian of Solano County's
23 precious and limited landfill capacity.

24 This site was not popular in 1986 and it is not
25 popular now as a site for waste disposal. It was

1 originally created as a community landfill to last the
2 residents of Solano County for 50 years. But that
3 resource has been squandered, and now we have less than
4 seven or eight years capacity left.

5 I think it appears corporate greed, fueled by
6 discounted tonnage fees and aggressive waste importing
7 from other locations, as we heard, up to 150 miles away,
8 have resulted in unprecedented and unanticipated fill
9 rates exceeding four times the annual rate seen during the
10 first decade of operation, and now close to a million tons
11 a year.

12 Instead of capacity for 30 more years, we're told
13 the dump will be full in 2011; with 75 percent to 85
14 percent of that volume coming from other -- imported from
15 other counties with higher tonnage fees.

16 In addition, we've heard there have been permit
17 violations and numerous odor complaints, complaints of
18 windblown garbage, litter; and garbage falling from
19 trucks, near misses with traffic; and unfulfilled promises
20 of improvement from the operator.

21 Now, Republic Services is asking to be allowed to
22 bring in more waste and wants permission to bring it in at
23 an even faster -- even greater rate by requesting
24 24-hour-a-day, almost continuous operation, and excluding
25 some of the waste from its calculation.

1 We disagree. I think what we should be doing is
2 cutting the permitted daily tonnage in half to extend the
3 life of the landfill, without increasing capacity. And
4 then when that -- when the landfill is full, we should
5 open another site. The landfill should not be allowed to
6 grow any larger, either vertically or otherwise.

7 Landfill capacity should be considered a public
8 resource and prudently managed, not abused.

9 Nearby communities must live with the hazards of
10 hauler truck traffic and the potential health risks of
11 spills, traffic accidents, dumpsite accidents, fires,
12 human waste sludge dumping, and windblown particulates, et
13 cetera. They must bear the nuisance of odors, noise and
14 lights at the landfill day and night. These communities
15 pay a price in terms of quality of life and very likely
16 increased rates of disease and illness such as asthma and
17 other respiratory problems.

18 We as Solano residents pay for and expect a
19 certain level of service in waste disposal. Our community
20 should not be penalized for corporate abuse of a well
21 planned community landfill. And they should not be asked
22 to bear any further insult and injury from enabling
23 greater abuse of that resource.

24 The landfill proposal was contentious and the
25 site was controversial in 1986. It remains so today. The

1 fragile site in the Suisun marsh protection area was never
2 intended to grow beyond the community landfill. It was
3 not conceived to become a regional mega-dumpsite. And it
4 is an insult to Solano residents and just plain wrong to
5 reward Republic's reckless mismanagement of our landfill
6 resource by granting them license to make the pile bigger
7 at an even faster rate.

8 I urge you to deny the requested permit
9 modifications, then reduce the permitted tonnage to half
10 its current level.

11 Thank you.

12 CHAIRPERSON MULÉ: Thank you.

13 Our next speaker is June Guidotti.

14 MS. GUIDOTTI: Chair and Board members. At your
15 last meeting last month, I introduced myself as June
16 Guidotti, a resident at 3703 Scally Road in Suisun,
17 California. I stated that my family owned 152 acres,
18 which are a buffer to the secondary Suisun Marsh, and our
19 land is zoned for agriculture use. The land has been in
20 my family for 90 years.

21 We are the closest residents to both the -- to
22 the closest Solano garbage landfill and the existing Phase
23 1 Potrero Hills Landfill.

24 The Board process:

25 I understand that usually an agenda item for a

1 proposed permit is first heard by the Permitting and
2 Enforcement Committee and then at a full board meeting.

3 Question: Will that process be followed for this
4 proposed permit? If yes, please confirm that this item
5 will be heard at the October 17th, 2006, meeting in
6 Sacramento. But you're stating today November.

7 If no, please explain what the process will be
8 and if the public will be allowed to speak at all upcoming
9 meetings. Please identify the date, the time, and the
10 location of the upcoming meeting.

11 Incomplete documents:

12 The Board agenda item as well as the September
13 and October letter from your staff to the LEA shows that
14 many items were missing in the permit application packet
15 or were incorrect. I agree with your staff's
16 recommendation to object to the issuance of the proposed
17 permit as submitted by the LEA. The LEA is allowing the
18 operator to change the project daily and is not following
19 permit processing regulations. The LEA is not doing their
20 job correctly and should be decertified by the Board.

21 Third issues that require close review by your
22 agency:

23 The following issues have been raised to various
24 regulation agencies for the last 20 years. My family and
25 I expect your agency to follow and enforce all California

1 law and regulations relating to the solid waste.

2 The CIWMB CEQA comment and lead agency
3 responsibility:

4 John Loane of your staff prepared a comment
5 letter for the Phase 2 draft EIR. He raised several
6 excellent questions and received response to the final
7 EIR. The final EIR responded indicating several project
8 features that were dropped from Phase 2 project. Board
9 staff should review the letter, as it appears that some of
10 the dropped features (power plant, use of sludge on the
11 slopes, water pipes, for example) are now being proposed
12 in Phase 1.5, evidence that Phase 1.5 is a new project.

13 Land use:

14 I do not believe that Phase 1, Phase 1.5, Phase 2
15 are consistent with the County General Plan. When the
16 Phase 1 Potrero Hills Landfill was sited, Solano Garbage
17 Company had an option to lease my 150 acres of land for
18 solid waste disposal, as my land was and is zoned solid
19 waste. They dropped the lease and they continued to show
20 and represent to local officials my land as their land in
21 order to obtain their original permit used -- their
22 original land-use permit. The 150 acres identified in the
23 General Plan as approved by the solid waste facility is my
24 property, not Potrero Hills, Inc.

25 Your staff noted in their September 22nd, 2006,

1 letter to Terry Schmidtbauer, LEA, that while Ms. Narcisa
2 Untal, General Planner, made a statement that the site is
3 consistent with the County General Plan, she did not
4 provide documentation to verify her conclusion.

5 I request that you obtain the documentation from
6 the county that proves consistence with the General Plan
7 as require. A legal description should be required.

8 Phase 1.5 Project is a Different Project than
9 Phase 1 or Phase 2 - Additional CEQA Required:

10 As I identified in my letter to you on September
11 the 11th, 2006, I believe that the Phase 1.5 height
12 increase is a new project under CEQA and requires either
13 the LEA or the Board to become the lead agency for the
14 proposed project. An environmental document must analyze
15 the following:

16 How stable the new design is.

17 If the liner under Phase 1 was designed to
18 support the weight of the increased garbage.

19 The visual impact of the new design.

20 The change in the cell lining and the landfill
21 grading.

22 Change in the draining in the roads.

23 Changes in any other site activity that will be
24 different from the existing Phase 1 project.

25 And the need for the new permits from federal,

1 state and local agencies.

2 Litter:

3 Litter on my fences and on my property has been
4 an ongoing nuisance from the landfill for years. I used
5 to allow the employees from the landfill onto my property
6 to pick up the litter cleanup. This was with the
7 understanding that they would call in advance, as I had a
8 minor child at home and I did not want my privacy invaded.
9 When the landfill employees began picking litter up
10 without calling in advance, I told the company that they
11 did not need to pick up my litter off my property. In the
12 last three years, I've allowed litter pickup once after I
13 had surgery and once when I was worried about my cows
14 eating plastic. Since then, I have called the LEA, the
15 operator, the police, your staff, when landfill employees
16 were jumping the fences to collect the litter and in the
17 process breaking my fences, invading my family's privacy.
18 Maybe you -- maybe you agree with Larry Birch and others
19 respecting the landfill, that I should allow them on my
20 property without advanced notice. But how would you like
21 four to six men entering your yard without notice when
22 you're at home alone, home sick, or planting flowers or
23 sunbathing.

24 I believe that the litter from the landfill is
25 the responsibility of Potrero Hills Landfill, and that

1 they must control it at the source. Your state minimum
2 standards are minimum standards, and the LEA and the Board
3 needs to consider maximizing the standards for this site.
4 After 20-plus years of landfill litter, I agree with Larry
5 Birch's statement in the draft EIR where he responds to my
6 daughter Cheri's letter dated January 6th, 2004, that:
7 "without your permission to remove the litter from your
8 property, it is a situation beyond our control," and I
9 believe that there must be something flawed about how the
10 waste is placed and covered, or not covered, that must be
11 addressed in the proposed permit and the JTD and through
12 enforcement.

13 Regional Water Quality Control Board:

14 Closure plan and post-closure maintenance plan:

15 I see from a review of your facility files that a
16 closure plan and post-closure maintenance plans were
17 submitted to the LEA, the Regional Water Quality Board,
18 and the CIWMB at the same time.

19 Question: Has the CIWMB heard from the Regional
20 Water Board regarding the closure plan and post-closure
21 plan? If so, what are their comments?

22 Sludge:

23 The operator has included the receipt and
24 disposal of high moisture content sludge in their proposed
25 permit, as well as going to a 24-hour operation five days

1 a week.

2 Questions:

3 How will the high moisture content sludge be
4 disposed?

5 When will the sludge be covered during the five
6 days per week after the landfill is operating 24 hours a
7 day?

8 Application Package:

9 Question: Did the operator or the LEA submit the
10 same permit application documents to the Regional Water
11 Quality Board that they submitted to the Integrated Waste
12 Management Board September 8th, 2006?

13 5. Agenda Item:

14 I have several questions regarding information
15 contained or not contained in your agenda item.

16 Estimated closure date:

17 The proposed permit indicated that the estimated
18 closure date is seven years. Seven years isn't a date.
19 What is the estimated date of closure for Phase 1.5, and
20 when is it calculated -- and what is it calculated from?

21 Remaining Disposal Capacity:

22 In 2005, during the testimony before the Solano
23 County Planning Commission and Board of Supervisors,
24 representatives from Republic Services indicated that the
25 Phase -- existing Phase 1 landfill had 8 to 10 years,

1 2013-2025, of remaining landfill capacity. Before your
2 Board in 2006 is a proposed permit indicating that with
3 additional waste being added in Phase 1.5, the estimated
4 closure date is only 7 years, to 2013.

5 Questions. What is the operator's explanation
6 for the difference?

7 Has the landfill been exceeding their 1996
8 permitted disposal tonnage?

9 Based on the information reviewed by your staff,
10 what do they estimate as the remaining disposal capacity
11 of the landfill as Phase 1 only and of Phase 1.5?

12 Is the method of landfill proposed to change in
13 the 2006 permit?

14 Conclusion:

15 Potrero Hills Landfill and Solano County have
16 degraded my property. The liter, the odor, the flies, the
17 gnats are a public nuisances and a health hazard. The
18 routine fence destruction from landfill employees is
19 costly and creates a safety hazard for my goats and cows,
20 as trucks and cars are not compatible with agricultural
21 activities. The owners of landfill have not provided all
22 required information to the LEA and the Board, and the JTD
23 includes parts of the Phase 2 project. Therefore, the
24 owner should not be granted a revised solid waste facility
25 permit. I request the opportunity to speak before the

1 Board once a complete application package is submitted by
2 the operator to the LEA and the LEA to the Board, and when
3 the Board makes it available to the public for review and
4 comment. You are welcome to come and walk my parcel if
5 you would like a different view.

6 Thank you.

7 And then I have many -- letters that I have put
8 in for comment. And three of them are for the Grizzly
9 Island Bridge Road. And one's from Cherri Bonnici, one's
10 from June Guidotti, one's from Arthur Feinstein included
11 in this packet. And all the other letters are supportive
12 of this document.

13 Thank you.

14 CHAIRPERSON MULÉ: Thank you, June. We do have
15 copies of your letters. Thank you very much.

16 And also I just want to address one thing. The
17 next meeting, where this might be heard -- I mean right
18 now it's scheduled to be heard at our November 6th --
19 November 6th is our next Permitting and Enforcement
20 Committee meeting, that will be held -- is it the 6th? I
21 think it was the 6th.

22 DEPUTY DIRECTOR LEVENSON: I'll check.

23 CHAIRPERSON MULÉ: It's November 6th. It's a
24 Monday. It will be held in Sacramento at 10 a.m. at our
25 Cal EPA headquarters.

1 If it is not heard that day, the next Committee
2 meeting date is December 4th. That meeting as well will
3 be held at 10 a.m. in Sacramento at our offices at the Cal
4 EPA building.

5 And the remaining questions, I would assume staff
6 can respond to those questions.

7 MS. GUIDOTTI: Thank you very much.

8 CHAIRPERSON MULÉ: Our next speaker is David
9 Isaac Tam.

10 MR. TAM: Chair and Board members. My name is
11 David Isaac Tam. I'm a resident of Berkeley. I'm here
12 today in my capacity as one of the ten elected directors
13 of the Northern California Recycling Association.

14 I also have another hat, which is that I'm one of
15 the directors of the group called -- a nonprofit that is
16 helping on litigation against this expansion -- not this
17 one, not the Phase 1.5, but the Phase 2.0 -- called
18 SPRAWLDEF.

19 I'd just like to say that the Northern California
20 Recycling Association agrees with and finds very helpful
21 the staff recommendation that this matter be continued to
22 either your November or your December meeting. I think
23 perhaps the later meeting is perhaps the better because
24 there are actually three parallel tracks of permitting
25 going on. One of course is the CEQA lawsuit challenging

1 the certification of the environmental impact report. And
2 that comes to the attention of the Solano County judge on
3 the 20th of this month, just about ten days away.

4 And the Bay Conservation and Development
5 Commission has the final authority over whether or not a
6 marsh development permit should be granted for this
7 continued incursion into the secondary management area of
8 the state-protected Suisun Marsh, which is the largest
9 estuary and marsh in the western United States. And
10 they're waiting on a technical report from some experts as
11 to whether or not there's any ecological impact from an
12 increase in landfill activity.

13 So those are very salient matters, substantive
14 and procedural, that will affect the fate of this landfill
15 company whether or not you call their operations in the
16 next seven years Phase 1.5 or really the precursor of
17 Phase 2.0.

18 So, yes, we're very comfortable with the staff
19 recommendation.

20 The Northern California Recycling Association is
21 about -- a trade association of about 170 members, as some
22 of you know some of the people that are in it. I happen
23 to be the person that got it started, although I'm not
24 active lobbying. It was 30 years ago. We were looking at
25 the question of getting the Bay Area governments to get

1 committed to curbside recycling. And there was an
2 environmental management plan funded by the Jimmy Carter
3 Environmental Protection Agency. And after sitting there
4 for two days and after the really heavy-duty items like
5 air quality and water supply got dealt with, they went
6 along with, perhaps just to shut me up, the idea of having
7 curbside recycling programs, and then Proposition 13
8 passed a few days later.

9 So it wasn't until the bottle bill in modified
10 form got passed in the late 1980s and then AB 939 that it
11 really began to be serious in the Bay Area and elsewhere
12 in the other 82 percent of California about recycling. So
13 it's been a long time. I've been here all that time in
14 one capacity or another. And I'm glad to see new faces
15 and I'm glad to see interest in pushing the envelope
16 farther towards complete sustainability in this important
17 area.

18 Anyway, the Northern California Recycling
19 Association, we slogan here a little bit. My slogan is
20 that "Cheap Landfilling is the Enemy of Recycling." And
21 Arthur Boone, who would be here today but for a
22 pre-planned trip, made testimony against this particular
23 proceeding in August and presented documentation
24 essentially that garbage flows downhill to the cheapest
25 landfill.

1 And probably all your Board members are somewhat
2 familiar with, or maybe intimately familiar with, the Bay
3 Area landfill configuration. We have nine counties.
4 Mostly landfilling takes place within the county of
5 origin. But Contra Costa County and Sonoma County are
6 kind of special.

7 Sonoma County got shut down last September,
8 unfortunately; and it's very expensive or it's politically
9 infeasible, or both, to fix it up, so they need a place to
10 go. And this is one of two or three places that we can
11 see.

12 And there's been a long-standing trading of
13 landfill tonnage between southern Solano County and sort
14 of coastal or east coastal or central coastal, and now
15 west coastal, Contra Costa County.

16 And the loser in this is really Solano County in
17 the long run, because this was originally going to be,
18 like the other counties, a landfill that was going to be
19 primarily providing capacity for the long, long future for
20 Solano County, which had a lot of growth prospects.

21 Last year when we objected to the certification
22 of the EIR, the word was that this was going to last seven
23 to ten years in existing capacity. Now it's down to five
24 to six. And the extension is only going to be from around
25 seven years -- I read somebody else's testimony, but I

1 think it's 2013 to 2015 -- 2011 to 2013. So what's
2 happening is last year the tonnage figures we had then
3 were -- the county was taking -- the landfill was taking
4 in about 900,000 tons a year, that 85 percent of that was
5 from outside Solano County. It's accelerating since then.
6 That's why they need to hurry up and get this additional
7 capacity on the existing EIR.

8 And I just think it's so consequential, a
9 decision about whether or not you're going to be breaking
10 away from -- and basically ratifying a breaking away from
11 the one county at least one landfill system. While it's
12 legally possible to do so, as a matter of public policy we
13 do not think it is a good idea.

14 The real problem is that the tipping fees here
15 are substantially less because, unlike other counties,
16 particularly in the San Jose, Santa Clara County area and
17 Alameda County and to a lesser extent Marin County, and
18 certainly San Francisco, all of those landfills have fee
19 structures that include large fees, for recycling and
20 other diversion programs like planning and household
21 hazardous waste and various other things. In San Jose
22 it's \$20 a ton, in Alameda County it's almost \$16 a ton.
23 Here it's about \$4.40 a ton. Big differential.

24 As Arthur Boone said at his testimony in August,
25 garbage flows downhill to the cheapest landfill. It's a

1 lot less than the 10 to \$15 a ton differential to pay
2 somebody to put it in a truck and haul it up the freeway.
3 It took me and my friend Arthur Feinstein just about 35
4 minutes to get up here from Berkeley. And we weren't
5 breaking any laws.

6 So it's a rush to accommodate a market situation,
7 which has arisen from, to be unkind, a less than diligent
8 application of the California Environmental Quality Act to
9 Solano County's planning process.

10 Thank you very much.

11 CHAIRPERSON MULÉ: Thank you.

12 Our next speaker is Arthur Feinstein.

13 MR. FEINSTEIN: Chairwoman and Board members.
14 I'm Arthur Feinstein. I'm speaking for SPRAWLDEF -- I'm
15 going to have to read this because it's hard to
16 remember -- but it's the Sustainability of Parks,
17 Recycling and Wildlife Legal Defense Fund.

18 I've been 25 years a conservationist, 25 years
19 with the Golden Gate Audubon Society as President,
20 Conservation Chair and Executive Director for 15 years.
21 And Golden Gate Audubon is the largest audubon chapter in
22 California. So I'm well acquainted with environmental
23 issues.

24 I'm not as well acquainted with Integrated Waste
25 Management Board issues. But for my perspective I'll be

1 speaking about the impacts of this on Suisun Marsh. I
2 have sent you one letter. And I'm going to give you
3 another one, but it's in a packet. That's more directed
4 at a road alignment that this landfill may be facing.

5 Many of us came here today to ask you to not make
6 a decision or basically sustain the staff's decision,
7 which we were going to ask you to sustain, to put off a
8 decision because we felt that it was inappropriate for you
9 to be reaching decisions on this permit prior to the
10 litigation -- the CEQA litigation going to court in three
11 days before your next hearing. Well, that's immaterial
12 now since you're not going to be hearing that.

13 However, since I have this opportunity, I will
14 speak towards more substantive issues, which is that
15 ultimately you should look towards denial of this permit.

16 The landfill -- I was brought in in July to
17 address the Bay Conservation Development Commission, of
18 which this landfill needs approval for it to expand to its
19 Phase 2, which would include expanding into the Suisun
20 Marsh secondary management area and approximately 260
21 acres and destroying that for the Suisun Marsh values of
22 wildlife and water issues.

23 Evidently that is not what you look at. You are
24 constrained to look simply at CIWMB issues. But,
25 nonetheless, it's important that you understand just how

1 important Suisun Marsh is. And in my cover letter to
2 Chairwoman I did explain a little bit about it. It is the
3 largest brackish marsh on the west coast of North America,
4 and I think probably in the United States.

5 And what does that mean? It means it's rich with
6 wildlife. It has quite a few endangered species and
7 threatened species, and species of concern. The waters
8 that flow into Suisun Marsh are critical for sustaining
9 hundreds of thousands of water fowl. And one of the
10 species that it sustains is the Delta smelt, which
11 actually exists in this part of the Delta -- part of
12 Suisun Marsh that Spring Creek flows into. Which Spring
13 Creek is the creek that comes from Potrero Hills landfill.

14 So a lot of issues that you might not look at
15 exactly. But at least you'd have in your mind when you
16 are thinking about when this permit comes before you
17 approval or not.

18 Again, I was brought in by SPRAWL DEF to address
19 BCDC, who I've worked with for many, many years. And my
20 personal opinion is that BCDC will ultimately deny the
21 Phase 2 permit, in which case your problems are done
22 because you can't -- it would be meaningless to approve.

23 But it seems like the landfill, sensing that it
24 has troubles with the Phase 2, is now searching for Phase
25 1.5 instead. So I've rarely seen an entity play the

1 regulatory game so rapidly in such a short process. And
2 that's why your staff was jammed trying to reach a
3 solution for today.

4 They saw they had problems with Phase 2. They
5 suddenly say, "Well, let's redefine what we're doing so we
6 can take this extra garbage material and put it into a
7 Phase 1.5." However, they have not adequately addressed
8 that we believe in their CEQA documentation. So you have
9 another issue that's coming before you.

10 In all, I think that you're facing quite a bit of
11 problem with this. Again, you're not hearing this issue
12 before you as a permit. You're just hearing that staff is
13 recommending you put it off for a while. We sustain that.
14 We urge you to do so. But when you do look at this issue,
15 please understand how important it is for the ecology of
16 the Bay Area. Suisun Marsh, again, is of national and
17 international importance, not just a local issue. The
18 landfill to our understanding and belief will -- expansion
19 to either 1.5 or 2 will have significant impacts on that
20 landfill.

21 BCDC will not be looking at 1.5. It's looking at
22 Phase 2. So, again, there's sort of this -- and if 1.5
23 comes before you and BCDC hasn't had a chance to review
24 it, there will be an appeal there. You're going to be
25 asked to approve a project that is under appeal, likely to

1 be denied. And you're put in the funny position of saying
2 yes to something that you should be saying no to and that
3 other agencies will be probably saying no to. And I think
4 that should be an embarrassing position for you to be in.

5 And, one, I'm glad the LEA has asked that this be
6 put off. I urge you to wait until BCDC is done with all
7 the various permutations that the Potrero Hill Landfill
8 brings forward. Let them make their decision about
9 whether that permit should go or not before you reach your
10 conclusions. Because, otherwise, you're not really doing
11 anybody any good. We're all spending a lot of time going
12 to hearings, where ultimately it will be resolved through
13 another agency. And your decision then that's based on a
14 very narrow framework may influence that agency to grant
15 something that otherwise it might not. So that's another
16 part of the game playing that may be going on.

17 So we'd urge you again to ask the LEA to just
18 wait, not bring this back in November, not bring it back
19 in December, wait for BCDC to finish their hearing on
20 Phase 2. And then see whether that has implications for
21 Phase 1.5. Then hold your hearing so that you have a full
22 wealth of information in which to discern your course of
23 conduct.

24 Thank you very much.

25 CHAIRPERSON MULÉ: Thank you.

1 Our next speaker is George Guyan.

2 MR. GUYAN: It's pronounced Guyan.

3 CHAIRPERSON MULÉ: Guyan. I'm sorry.

4 MR. GUYAN: No. problem.

5 CHAIRPERSON MULÉ: That's all right. Everybody
6 gets my name wrong too.

7 MR. GUYAN: Well, it's not an easy name, so I
8 understand. No problem.

9 Anyway, I'm George Guyan. I live in Suisun City,
10 owned property there for 30 years. And I'm not too far
11 from the landfill.

12 I'd like to speak tonight about how I don't think
13 your agency should approve a permit to the expand. Even
14 if you decide to extend the time, I think ultimately you
15 should vote against expansion.

16 Solano County only has 17 percent of the garbage.
17 And the rest of it is coming from outside the region, up
18 150 miles away. So if we were just talking about Solano
19 garbage, I probably wouldn't be here tonight. But since
20 it's a regional dump, I think it's really a huge problem.
21 And I think that the landfill is trying to get around BCDC
22 by trying to go from Phase 2 to Phase 1.5. And it's
23 really not a very good subterfuge to try to do that.

24 I think also it's not good for the marsh that
25 we're talking about going to a 24-hour operation. It

1 would be bad enough if it was just regular hours. But
2 when you go to 24 hours, then you're going to have lights
3 shining that could affect the marsh. Also it's not going
4 to be good for people that live in the neighborhoods.

5 And it's going to create a traffic nightmare.
6 There's going to be a lot more traffic. There's too much
7 traffic already.

8 Wal Mart is considering building a store in
9 Suisun. They're going to have 900 parking spaces, plus a
10 restaurant. So that's going to make Highway 12 even more
11 overcrowded than it already is. Plus Wal Mart is also
12 talking about developing the Mission Village spot in
13 Fairfield. So you're talking about really a lot more
14 traffic for the area. And there's not anything worse to
15 really basically change what we already have is in the
16 infrastructure. So it's going to be a lot worse.

17 Plus also it's my understanding that the landfill
18 is talking about having a back way into the landfill going
19 down Grizzly Island Road and they're going to build a
20 bridge so that they can go in the back way. That would be
21 even more devastating to the marsh.

22 Also, the landfill is pretty close to where the
23 planes from Travis take off and land, especially when they
24 do touch and go's. If there was ever an accident, it
25 would be a real disaster for the marsh. Plus it's also

1 not going to be very good for the people that live nearby
2 in the subdivisions.

3 It's really not a very good site for garbage
4 dumping, to be frank about it.

5 Also, there is a question that I believe was
6 mentioned earlier about the stability of the slope site if
7 you go from 245 to 310 feet. Plus, also I believe there
8 was no liner in the first part of the dump. And the later
9 part that there is a liner there's a question about
10 whether it was adequate for the present height. And if
11 you go even higher, it's going to put more pressure on the
12 liner so that there's more chance of leakage. That could
13 get into the groundwater. It could have all kinds of
14 problems.

15 Also, the landfill has had a history of over 20
16 years of not collecting plastic bags before they go out of
17 their site. At a planning commission hearing -- I can't
18 remember how long ago it was. Maybe a year ago already.
19 When the planning commission voted against giving the
20 permit to the garbage dump, there was a video showing that
21 showed there was plastic all over this fence, plus also in
22 the marsh itself, which is outrageous. And if the garbage
23 dump has had 20 years to get their act together on it and
24 they still haven't managed to solve the plastic problem, I
25 think it's really expecting a lot to say that overnight

1 they're going to make some new changes.

2 And, also, BCDC still hasn't decided. And till
3 BCDC decides, all this could be a moot point anyway. And
4 I sure hope that nothing is done quickly to endanger the
5 marsh.

6 Thank you.

7 CHAIRPERSON MULE: Thank you very much.

8 Our next speaker is Morland McManigal.

9 MR. McMANIGAL: Very good.

10 CHAIRPERSON MULE: Got that one right, huh?

11 And, also, I'm just going to ask remind everyone
12 once again, if you could possibly keep your comments to
13 five minutes, we really would certainly appreciate it.

14 MR. McMANIGAL: Chairman and Committee members.
15 I'm Mac McManigal. I've been a Fairfield resident for 50
16 years.

17 And 24 years ago I was a good friend of the
18 Solano Garbage owners. They purchased the local garbage
19 company. They asked me if I'd go to the city council and
20 see if I could get the City Council of Fairfield to accept
21 them. I did. I said there's three things: They will
22 give you good service, the rates will be good, and they're
23 good corporate citizens.

24 Four years ago, the City Council in Fairfield
25 thought maybe they should get another garbage company to

1 come in. Fifty-four people spoke at the city council
2 meeting that night, fifty-three in favor of the Solano
3 Garbage. The one who was not was the person that
4 represented the company that was going to come in.

5 Solano Garbage got the contract. They then sold
6 it that same year to Republic Services.

7 One of the things that I don't think -- I haven't
8 heard anything tonight, and I've attended most of these
9 other meetings, none of the speakers talked about what it
10 is going to cost Solano County people if we shut down our
11 garbage disposal, the dump out here.

12 It's going to be 10 to \$15 a month additional
13 cost per family. The initial cost of -- we're getting a
14 good chunk of money from the outside people who are
15 dumping things here. Which means if we don't do that, the
16 county rates go up. The local garbage companies charge us
17 a very reasonable rate, and that's going to go up if they
18 have to ship it where? In your backyard? In your
19 backyard? This is in our backyard.

20 I've seen people say, "Well, the smell from that
21 goes here to Rio Vista." The wind goes from,
22 approximately where the dump is, right across Travis Air
23 Force Base, and that's why Travis Air Force Base was built
24 there, because of the winds, which heads up towards
25 Sacramento. It doesn't go toward Rio Vista or towards

1 Suisun. Well, two days a year maybe. But generally it's
2 going to go right up that runway.

3 Also, they talk about the lights at night. One
4 person said, "They're only supposed to have three lights
5 per night, and I see five." I know that I pay a lot more
6 in taxes than the person that said that, and I see a
7 thousand lights every night and I think, being from
8 Nebraska, what a wonderful thing it is to see that,
9 because we never saw lights like that in Nebraska.

10 These people will do whatever is necessary to be
11 done to be good corporate citizens. The lady who talked
12 about having all the garbage on her yard, I cannot
13 understand why they have not taken care of her. She
14 should be taken care of. They should make arrangements to
15 come and get those things picked up. And I would make
16 sure if my friends were there that they'd do that. That
17 should not happen.

18 But they are good people. And I certainly hope
19 that you guys will give them very good favorable
20 consideration in the future.

21 Thank you.

22 CHAIRPERSON MULÉ: Thank you.

23 Our next speaker is Larry Bahr. Is that correct,
24 Bahr B-a-h-r?

25 MR. BAHR: Good pronunciation.

1 CHAIRPERSON MULÉ: Sorry.

2 CHAIRPERSON MULÉ: Is it Bahr (Bear)?

3 MR. BAHR: Bahr. Well done, well done.

4 First off, thank you for giving me the
5 opportunity to comment tonight. My name is Larry Bahr.
6 I'm with the Fairfield-Suisun Sewer District. We serve
7 the cities of Fairfield and Suisun City in the central
8 Solano County. And we serve a population of about 130,000
9 with wastewater treatment services.

10 We neither support nor oppose the landfill
11 proposal. But I'm here to acknowledge the importance of
12 the landfill to the district's biosolids management
13 program as it currently exists.

14 We've had a long-term beneficial working
15 relationship with the landfill. They have a successful
16 alternative daily cover program that uses the district's
17 biosolids. The biosolids are used in a restoration
18 program at the landfill. I'm --

19 PERMITTING AND INSPECTION BRANCH MANAGER de BIE:

20 A little bit closer. I'm sorry.

21 MR. BAHR: Did you get all of that or should I
22 start over?

23 COMMITTEE MEMBER WIGGINS: We got it.

24 CHAIRPERSON MULÉ: You're fine.

25 MR. BAHR: This is first time in my life I've

1 been accused being too tall.

2 (Laughter.)

3 MR. BAHR: Finally, the landfill uses our

4 recycled water as a water source for their operation.

5 Overall, our programs have been mutually beneficial and

6 productive.

7 District encourages the Integrated Waste

8 Management Board to make an early and a carefully

9 considered decision on the landfill's application.

10 Thank you very much.

11 COMMITTEE MEMBER WIGGINS: What is your -- you're

12 with the water district?

13 MR. BAHR: I'm with the sewer district. The

14 waste water treatment plant.

15 COMMITTEE MEMBER WIGGINS: Sewer district?

16 MR. BAHR: Yes.

17 CHAIRPERSON MULÉ: Thank you.

18 MR. BAHR: You're welcome.

19 CHAIRPERSON MULÉ: Our next speaker is Dwight

20 Acey.

21 MR. ACEY: Good evening. And thank you for this

22 opportunity to speak. My name is Dwight Acey and I'm with

23 Citizens Against the Dump Expansion.

24 Citizens against the Dump Expansion is opposed to

25 the vertical and/or lateral expansion of the Patrero Hills

1 Super Landfill. We are residents opposed to this landfill
2 project for almost two years now, when they tried to push
3 it past the Planning Commission of Solano County right
4 around Christmas time. We got wind of this.

5 Most of us -- well, I shouldn't say most of us.
6 But a percentage of us live within 1.8 miles of this
7 expansion. So whatever happens there is going to impact
8 us one way or another.

9 We are opposed to the vertical and, again, the
10 lateral expansion, Phase 1.5 and Phase 2.0? One.

11 Of our concerns with this permit revision is that
12 it does not consider the impact of height limitations for
13 airport flight obstruction areas of the Air Force -- of
14 the Travis Air Force Base, which is immediately across
15 Highway 12 from the landfill project.

16 Under "Findings" in Section 13 of this permit, it
17 addresses birds in the flight path, but it says nothing
18 about the height of garbage. And it was our understanding
19 that this is a discussion about vertical -- the vertical
20 expansion of garbage, not birds. So we're kind of
21 concerned about why it didn't address that matter.

22 Also, America right now is at war with Iraq and
23 Afghanistan and we seem to be threatening a war with
24 others. There's a great deal of activity because of that
25 at the Travis Air Force Base. Any crash there will

1 endanger our troops and the families -- residents who live
2 nearby. The potential for a catastrophic fire and toxic
3 smoke is apparent there.

4 On September 22nd, 2006, residents of Suisun,
5 Fairfield and Rio Vista witnessed the horrifying fire of
6 the E.B. Stone Fertilizer Plant two miles from the Potrero
7 Hills Super Dump. The fire threatened the potentially
8 explosive ammonia nitrate and propane stored at the plant.
9 Due to the great peril to firemen, they were ordered to
10 retreat. They watched helplessly outside a one-mile
11 perimeter while the plant burned to the ground and
12 smoldered for several days.

13 One wonders: Was this a premonition of things to
14 come?

15 The Solano County policies and regulations
16 governing the Suisun Marsh Scenic Roadways Element states,
17 quote, "The county and city should initiate a special
18 program of roadside maintenance, landscape maintenance or
19 replacement, litter retrieval, et cetera, among scenic
20 routes are recognized in the fact that the immediate
21 roadside environment has a great impact on motorists and
22 tends to color his or her total scenic roadway
23 experience."

24 Before that it states, "The general and specific
25 policies set forth provide a series of guidelines to be

1 used by the county in its land development guidelines to
2 be used by" -- "to be used by the county in its land
3 development guidance procedures. It is the intent that
4 these provisions be employed as criteria to be adhered to
5 by all future land development which falls within the
6 visual components of any of the designated scenic
7 roadways."

8 One of the complaints over the 18 hearings or
9 meetings that our group has attended on this matter that
10 tends to surface at almost every hearing is the amount of
11 garbage that we have to encounter up and down Highway 12
12 because of the 500-truck-per-day limit of garbage trucks
13 going down that route to the landfill.

14 With this permit, we notice that they have taken
15 out of that count recyclables, compost, construction
16 materials and other trucks from that 500 limit. So now it
17 appears that there is no limit.

18 Also, for almost three weeks there have been bags
19 piled up underneath the sign for "Adopt a Highway" that
20 also reads the Solano Garbage Company as the caretaker of
21 the highway. And the bags have been sitting there for
22 almost three weeks.

23 And we are asking you to deny this project
24 because we don't want more of the garbage, we don't want
25 the other impacts possible -- health impacts that folks

1 would have to deal with as a result of a lateral and
2 vertical expansion.

3 Also, we would like to know what the urgency of
4 this permit request is. If they're going before BCDC by
5 December, why do they have to have this now?

6 One of the speakers that came before me spoke
7 about the cost to residents here, that there would be a
8 monetary cost to us. I think we need to talk about the
9 real cost. And the real cost, if you look on the
10 Internet, it's no secret, wherever a Republic Services --
11 whatever regions that they're in, people are suing them
12 about the quality of life, people are suing them because
13 they can't sell their houses, people are suing them
14 because of the constant odor.

15 In this county we have the highest asthma rate of
16 any county in California.

17 COMMITTEE MEMBER WIGGINS: Fresno County.

18 MR. ACEY: Dr. Ronald Chapman said that. What's
19 your expertise?

20 I don't know. Maybe you're a doctor too. But
21 that's what I heard him say. Okay.

22 COMMITTEE MEMBER WIGGINS: Okay.

23 MR. ACEY: And he works for the county.

24 The real cost to us is the increase of
25 respiratory problems, asthma, cancer clusters, odors,

1 traffic congestion, truck accidents, and on and on.

2 What will happen also to the Suisun Marsh when
3 they -- the super garbage dump is capped off and it is
4 returned to agricultural use as is outlined in the Suisun
5 Marsh Preservation Act? Will we end up with E. coli
6 outbreaks now because of that? Or all of the country from
7 California produce grown there?

8 We, as a community, ask again that you deny this
9 project. It continues to be our sincere belief after two
10 years that we are dealing with a project that could have
11 horrible environmental consequences. For that reason, we
12 ask the California Integrated Waste Management Board to
13 deny this permit.

14 CHAIRPERSON MULE: Thank you.

15 Our next speaker is John Silva.

16 Thank you, Mr. Supervisor, for being here.

17 MR. SILVA: Thank you, Madam Chair. And welcome,
18 Board members and staff, to Solano County, as you are
19 sitting in a multi-award green building in Solano County.

20 CHAIRPERSON MULE: We can tell.

21 (Applause.)

22 MR. SILVA: Today our board authorized staff to
23 move forward with a bag Green Plant such as other counties
24 have so that we can -- I'm always accusing staff of
25 cutting down too many trees and putting them on our

1 tables, so we have to read all that stuff.

2 I'm very happy to hear from staff that the
3 applicant has waived their time so that your staff has the
4 opportunity to really look at this and investigate it.
5 And that's very important to us. As you know, we approved
6 this thing to go forward because we knew that we had
7 people that had the expertise on landfills.

8 I live in the south end of the county. I live at
9 348 Military East in Benicia, California. I remember
10 World War II, and we recycled everything, believe me.
11 Everything. And I think that we're doing that and doing a
12 pretty good job, but we can always get better at that.
13 But in Benicia we had a dump. That dump was closed. It
14 is now a marina. It was cleaned up and it's a marina on
15 the waterfront. That's pretty dangerous dumping your
16 garbage at the waterfront.

17 Vallejo had a dump on the waterfront in Vallejo
18 that had to be cleaned up.

19 We also had a dump where the California State
20 Park is in Benicia. That was closed, it was cleaned up.
21 It's now a State Park and Recreation Area.

22 We had another dump in Benicia that was closed,
23 cleaned, and it's now a housing development. So I'm very
24 familiar with dumps and the problems.

25 What I don't want to see in Solano County again

1 are seven cities and seven dumps. That's not the way to
2 do business. We have evolved now. We have the Solano --
3 the landfill here at Potrero Hills. It takes care of
4 parts of Solano County and it brings in other, yes. And
5 if that money that they take in goes in to preserving the
6 environment and putting in and following the direction of
7 your capable staff in doing good work so that we don't
8 have future problems to deal with, yes, we can help.
9 We're getting more in to regionism. We need to help our
10 neighbors have places to take our garbage.

11 My garbage from my home in Benicia goes to Keller
12 Canyon in Contra Costa County. At one time we required
13 that operator to dump it here in Solano County. But state
14 law changed that you can't tell them where to dump it. We
15 pay a little more because we have to go across the bridge
16 to get rid of that stuff.

17 So the least amount that we put in there, the
18 better off we are. At our home and at my childrens'
19 homes, I demand that they have the smallest garbage
20 container possible. And get everything else so that it
21 recycles. And that works very, very well.

22 And I commend you for being here and I thank you
23 for being here. And it's very important to Solano County.
24 I don't object to the landfill as long as it's safe and
25 it's helpful to the environment. I spend a lot of time in

1 that marsh duck hunting. I don't want to see it
2 destroyed.

3 Thank you very much for your consideration and
4 listening to me.

5 CHAIRPERSON MULÉ: Thank you. I think you have a
6 question.

7 Board Member Wiggins.

8 COMMITTEE MEMBER WIGGINS: Yeah. Well, first of
9 all, I live in Sonoma County and our landfill was closed,
10 and so it goes here.

11 But what amount of money does Solano County get
12 from the landfill?

13 MR. SILVA: We've got some staff people here. I
14 hope they can answer that for you. But there is -- you
15 know, there's a tipping fee, there's charges to clean up
16 along the roadways. We implemented an educational program
17 that Potrero Hills pays for. And I can't put dollars with
18 that. It would be administered by Solano Community
19 College.

20 The Suisun Marsh district gets a large amount of
21 money for continued preservation of the marsh.

22 But I can have staff provide all that to you if
23 you --

24 COMMITTEE MEMBER WIGGINS: Yeah, I think that
25 would be interesting to know what the county gets off

1 this.

2 MR. SILVA: Right.

3 COMMITTEE MEMBER WIGGINS: Thank you.

4 MR. SILVA: Okay. I'll ask staff to provide
5 that.

6 Thank you very much.

7 CHAIRPERSON MULÉ: Okay. Our next speaker is
8 Yoshiko Tagami.

9 MS. TAGAMI: Good evening. Thank you for the
10 opportunity for us residents to speak.

11 Many of our neighbors are still on their way
12 home. So they asked me to do my best. So let me try.

13 As you may know, landfill fires are common
14 occurrence. According to the U.S. Fire Administration in
15 the December 2001 data, an average of 8,300 landfill fires
16 occur each year, where there's a greater chance of
17 spontaneous combustion with recently hot smoldering
18 discarded products ignite.

19 Underground is not uncommon at the landfills
20 also. A landfill fire in Maui in 1998 was 15 to 20 feet
21 underground. And it took weeks to extinguish. It
22 smoldered for four months.

23 Only a couple weeks ago, on September 22, there
24 was much fire in Suisun, not too far from Potrero Hills
25 Landfill. It totaled the fertilizer plant containing

1 ammonium nitrate and the propane. It was spread to nearby
2 grass area and burned 600 acres.

3 The firefighters were ordered to retreat a mile
4 away from the site because of the toxic smoke and the
5 potential of explosions. And they had to let it burn
6 itself for three days.

7 Had similar fire started at Potrero Hills Super
8 Dump where they store truck fill and harvest -- it would
9 have been a major disaster. Travis is within a mile from
10 the dump. And thick smoke could completely stop the
11 operations of the plane activities for days, weeks or
12 maybe months, if not worse.

13 Potrero Hills Landfill is two miles from
14 residential communities where I live. Toxic smoke will be
15 sure to impact us all as well as burns from explosions.
16 There was a methane gas leak accident at Potrero Hills
17 last year on June 23rd, 2005. The methane gas was leaking
18 from a truck to the ground and emitting a white smoke. A
19 2004 study by the San Dimas National Lab suggested that
20 LNG, which is mostly methane, fire would be hot enough to
21 melt steel at a distance of 1200 feet and could result in
22 second degree burns on exposed skin a mile away. Mind
23 you, Travis has many airplanes within disaster range.

24 MIT Professor Emeritus Fay says, "There is no way
25 to put out that kind of fire. The fire will burn until

1 all its fuel is gone, which takes five to eight minutes.
2 But it could ignite a rash of secondary fires on such a
3 large scale that they may cause more damage than the
4 initial blaze."

5 The Suisun Marsh is full of methane underneath.
6 A big fire at Potrero hills Super Dump could destroy a
7 major portion of this county, not just Suisun City. It is
8 scary just to think about the possibility of such a
9 horrific disaster in such close proximity.

10 Please deny the Potrero Hills Super Dump
11 expansion permit for these serious reasons. This is not
12 just a not-in-my-backyard protest. Our very lives are at
13 stake.

14 Thank you very much for your consideration of
15 this matter.

16 CHAIRPERSON MULE: Thank you, Ms. Tagami. And
17 you can tell your neighbors you did just fine.

18 MS. TAGAMI: Thank you.

19 CHAIRPERSON MULE: Our next speaker John Mraz.

20 Is he here?

21 Is John Mraz here, City Councilman from
22 Fairfield?

23 We'll just hold that one off.

24 Our next speaker then is Duane Kromm.

25 MR. KROMM: Thank you.

1 Supervisor Silva already welcomed you to Solano
2 County. Let me welcome you to the Third District of
3 Solano County. I have the privilege of having this
4 wonderful building in my supervisorial district right
5 here. I also have Potrero Hills Landfill and Suisun Marsh
6 in my district. And I care passionately about the marsh.

7 Let me answer a question that Commissioner
8 Wiggins asked a few minutes ago about fees. I was sitting
9 back with staff and they handed me a sheet of paper with
10 fees.

11 The local fees in Solano County right now are 563
12 per ton. And for comparison sake, in Alameda and Contra
13 Costa County, the two combined, they range from a low of
14 1175 a ton to a high of 1375 a ton. In Santa Clara
15 County, the City of Palo Alto's at 422. Everybody else is
16 at 1765 a ton for fees. Marin's 453, San Mateo Ox
17 Mountain is 453. And Sonoma, which is recently closed,
18 was about what we were at 555 a ton. So there's a pretty
19 dramatic range in tipping fees for tonnage.

20 And the total door price, as our staff calls it,
21 also is pretty dramatically different. It ranges to as
22 high as \$97 a ton in Santa Clara County at Zanker Road.
23 And we are at \$41 a ton, roughly, at Potrero Hills.

24 CHAIRPERSON MULÉ: Thank you.

25 MR. KROMM: One of the issues that I have

1 complained about here in Solano County is that we have in
2 essence become the Wal Mart of dumps in northern
3 California. We are cheap. And as other speakers have
4 said, trash flows to where it's cheap to dispose of it.
5 And I think that causes huge problems, particularly causes
6 huge problems for Suisun Marsh. To have a substantial
7 expansion as we're talking about in the middle of the most
8 remarkable marsh in northern California, I don't think is
9 a long-term good thinking.

10 You've already started to hear from good citizens
11 here in Solano County, good chamber folks who are very
12 supportive of Potrero Hills Landfill in Solano County. My
13 guess is you hear this a lot when you have these kinds of
14 hearings. Garbage companies are very skilled at building
15 support in their communities. They're good corporate
16 donors to a variety of issues, but also good corporate
17 donors to those of us who are elected officials, as we
18 well know. And they understand how the game is played
19 extraordinarily well.

20 The challenge I think we have in Solano County
21 with Potrero Hills Landfill is the location of the dump,
22 the price of the materials being brought to the dump, and
23 what we're doing in the regional sense. Eighty-five
24 percent of the trash, as you've already heard, is coming
25 from outside Solano County to Potrero Hills Landfill.

1 We're not taking care of Solano County trash. We're
2 taking care of trash in the region and we're bringing that
3 trash into Suisun Marsh. To me, that is not a good use of
4 landfill planning, to put the best land we have of
5 preservation in the region, a marsh, into a landfill. It
6 troubles me.

7 Highway 12 and Interstate 80 -- and Interstate 80
8 is probably the one you know best, the I80-680
9 interchange. And it's a regional major congestion choke
10 point. Most of the trucks that come Potrero Hills
11 Landfill have to come through that interchange. By
12 importing 85 percent of the trash that goes to the dump,
13 we're putting that kind of truck traffic on our worst
14 congested roads. I don't think that is very smart public
15 planning.

16 I was quoted a no-vote -- board of supervisors
17 were on a 3-2 vote. They certified the environmental
18 impact report and approved the project going forward. It
19 was very contentious. And, as you've been hearing, there
20 are lawsuits, there's BCDC hearings. We received letters
21 this past week, copies of letters from BCDC dated late
22 September that there's issues that BCDC has raised to
23 Potrero Hills Landfill that date back to March that have
24 not yet been answered. But I think there's a pattern of
25 Potrero Hills Landfill not doing a good job of

1 communicating with regulatory agencies. I mean I find it
2 particularly troubling that when regional bodies such as
3 yourself can't get information, BCDC cannot get
4 information, and it's been going on for many months. The
5 most recent letter from BCDC staff to Potrero Hills
6 Landfill was 20 -- 32 new issues that have not been
7 resolved. They raise 9 clarification issues. And then
8 they go on to state that they submitted a letter on March
9 8th with a list of 20 questions regarding the proposed
10 mitigation and monitoring plan. We have not yet received
11 any response to this letter six months later. It's
12 difficult to do business with corporations and applicants
13 that are essentially nonresponsive to permitting agencies.

14 I urge you just to flat deny the permit. I think
15 what we need to do at a local level and at a regional
16 level is figure out how to economically restructure the
17 fees and the rates and the operating plans for Suisun
18 Marsh and for the Potrero Hills Landfill, the number one
19 emphasis being marsh preservation and, second, how we
20 adapt appropriate management plans and expansion plans for
21 the landfill so that we can accommodate the trash of
22 Solano County, so that we can be more aggressive in our
23 recycling and diversion programs. I mean the fees that
24 the other counties are charging are substantially higher
25 fees, that we've looked into it, have much more aggressive

1 recycling diversion programs to divert the materials away
2 from the landfill. We're not doing that here nearly as
3 aggressively as we possibly can in Solano County. And I
4 think the risks that we're putting Suisun Marsh under by
5 having this vertical and -- both horizontal and vertical
6 expansion -- you don't have a vertical expansion in front
7 of you today. That's Phase 2. Phase 1.5 is the vertical
8 expansion. Phase 2 is the horizontal expansion.

9 What they haven't told you yet -- maybe it will
10 be in the plans when it comes to you later -- but there is
11 a Phase 3 out there. There are hundreds of additional
12 acres that are adjacent to this current landfill, adjacent
13 to the current Phase 2 proposed expansion, that are owned
14 by the landfill, are a logical extension of the landfill's
15 footprint. And the landfill has said that "it's not our
16 current expansion plan." They're just holding this land.
17 They refuse to put a conservation easement on it. They
18 refuse to put any kind of mitigation -- habitat mitigation
19 measures across that land.

20 So what we will see if this vertical expansion
21 occurs, the next will be the horizontal expansion of Phase
22 2. And then further there'll be hundreds of other acres
23 decades out -- but decades out continuing to expand the
24 landfill into the marsh.

25 I find it objectionable that they won't deal with

1 the entirety of the property that they own and that they
2 don't focus on preservation of the marsh.

3 Thank you.

4 (Applause.)

5 CHAIRPERSON MULÉ: Thank you, Mr. Kromm.

6 Our next speaker is Lorraine McGee.

7 MS. MCGEE: I'm Lorraine McGee. I'm a retired
8 physician and I live in Rio Vista. And I wanted to tell
9 you a couple things that have come up that there weren't
10 answers to. And, that is, that Vallejo and Benicia sends
11 their trash to Contra Costa County, and the amount of that
12 trash about equals the amount of trash that Fairfield, Rio
13 Vista, and -- and Suisun City send to Potrero hills.

14 Additionally, Dixon and Vacaville send their
15 trash to Hay Road Landfill. And you -- I know you have an
16 application from them to expand also. And I would assume
17 that their -- the amount of their trash is about the same.

18 The amount of trash that is coming in to Potrero
19 Hills from Solano County is less than 15 percent of the
20 total load.

21 And the information about Solano County being the
22 high -- the county with the highest rate of asthma comes
23 from Cal Asthma, which is a website that comes out of
24 UCLA. They have an e-mail publication called RAMP. And
25 you can just look up asthma and UCLA. And my

1 understanding is that that facility is supported by the
2 tobacco tax. And it certainly -- it has a lot of programs
3 within the schools trying to keep track of what's going
4 on.

5 I wanted to -- although I've spoken lots of times
6 about -- against the expansion of the landfill, I want to
7 focus on one aspect of it. And usually I focus on the
8 environmental, but I think you've gotten a lot of that and
9 BCDC really is involved in that.

10 The focus I want to take is the amount of
11 pollution that's a result of the traffic, of trash being
12 brought from 150 -- as far as 150 miles away and from
13 multiple communities. And as we've talked, more than 85
14 percent of that comes from outside of the county.

15 The truck traffic causes pollution in the air.
16 And you don't have to be too convinced to see that. It
17 causes road pollution. I've a number of times driven
18 behind the garbage trucks, and I've seen plastic bags fly
19 out of them. And if you look at the road in front of the
20 Potrero Hills now, it really looks pretty decent, much
21 better than it has for a long time. But if you drive
22 along Highway 12 to Rio Vista, you will see plastic bags
23 all on the roads there, because we don't have a lot of
24 people, a lot of businesses volunteering to pick up the
25 plastic bags in the rural areas.

1 The other problem which the increased traffic
2 causes is traffic accidents. We have a very high rate of
3 traffic accidents in -- on Highway 12. We've had a number
4 of deaths this year. And I think what we can do to lessen
5 traffic -- and of course there's traffic coming to the
6 landfill at Potrero Hills and also to the landfill at Hay
7 Road along Highway 12 between Rio Vista and the landfills.
8 So that's a very heavily trafficked area.

9 I don't think most of those roads are constructed
10 for heavy traffic. And I kind of wonder what's going to
11 happen in the future. And that wasn't really explained
12 too well. If you have a limited number of vehicles that
13 can come on to your site a day, and you're going to do
14 3400 tons per day times 7, and then you're not going to
15 count the weight of the recyclables and the biosolids in
16 that count, it seems to me that vehicles are going to have
17 to be loaded more heavily. And unfortunately there isn't
18 a state check of weights of vehicles on Highway 12.

19 The last issue is an article that was published
20 recently called Infection Risk in Kids Living Near
21 Landfills. This study was done in New York. There were
22 a hundred identified waste sites and highly contaminated
23 bodies of water, and they examined hospitalization rates
24 for acute respiratory infections and asthma by area
25 residents for children aged 0 to 9 years old.

1 And the rates were increased, both for asthma and
2 for infections. The author, whose name was Carpenter,
3 said, "Asthma's a disease due to an overactive immune
4 disease. And we expected that we'd see a reduced rate of
5 hospitalization for asthma. However, we were looking at
6 asthmatics that are hospitalized for a very severe attack.
7 And on consideration we now suspect that this occurs
8 primarily when an asthmatic also has an infection." His
9 team has to do additional studies. In summing up he says,
10 "The study shows that exposures to organic pollutants and
11 other contaminants are going to harm health, and just
12 living near a contaminated site may cause exposure. While
13 our specific study focused on air transport of the
14 contaminants, they're also in our food. And the effect of
15 exposure should not be different whether it's via food or
16 air."

17 So we really need to get these chemicals out of
18 our environment to the greatest degree possible.

19 Thank you.

20 CHAIRPERSON MULÉ: Thank you.

21 Next speaker is Virginia Thomas.

22 MS. THOMAS: Hello. I am a resident of
23 Fairfield, but I don't live near the marsh. However, when
24 I moved to Fairfield and discovered the marsh, I was so
25 pleased. It's such a beautiful place. And I know you've

1 heard all the reasons for defeating this proposition, so I
2 won't even go into them. But I'm amazed that it's gotten
3 this far. It should have been defeated at the beginning.
4 And my understanding is that it was.

5 But then the proponents of the project mitigated
6 things. I love that word. I haven't heard it so much in
7 all my life as I have in these hearings. They went back
8 and skewed a few things, I guess, and then brought them
9 back to be reviewed again.

10 I think the project is a disaster, I mean a
11 disaster to all of us, to the land, to the animals.

12 And I'd like to end with another stylish word.
13 It's egregious.

14 Thank you.

15 (Applause.)

16 CHAIRPERSON MULÉ: Thank you.

17 Our next speaker is Amber Vierling -- I think
18 it's Vierling.

19 MS. VIERLING: Close enough.

20 Good evening to the Board. Thank you so much for
21 coming to our hometown to hold this discussion. And
22 there's a good turnout. And by my calculations, we have
23 14 that are opposed and 2 that have spoken in favor. I'm
24 going to join the 14.

25 I'm an attorney, and I represent

1 environmentalists, taxpayers and ranchers and landowners
2 in the area that's opposing any expansion of the landfill.

3 I think my most productive comments tonight could
4 be addressed to CEQA. And even when the application
5 becomes complete at the end of this year, in December,
6 when the case -- when that case may be, you still have
7 CEQA to deal with. And CEQA requires that an EIR be
8 prepared if there may be significant effects to the
9 environment.

10 In this case the LEA has opined that the previous
11 EIRs count for Phase 1.5. The major problem with that
12 from my view is that Phase 2 EIR identifies the peak,
13 which identifies the peak at a different location than
14 Phase 1.5 does. So you have a couple of problems that
15 stem from that. If Phase 1.5 is approved in addition to
16 Phase 2, where is the peak? The project description is
17 unstable. It's a moving target. And if you have two
18 approvals with two different peak locations, I don't see
19 how that can be reconciled.

20 So I think at the end of the day there is no EIR
21 for Phase 1.5. This is a post hoc analysis by the
22 operator. But it really doesn't -- it doesn't make sense.
23 If you read the EIRs, there's not substantial evidence in
24 those EIRs that Phase 1.5 has an environmental review
25 attached to it.

1 So that means that there's significant effects to
2 the environment that -- and an EIR must be prepared.
3 Tonight you've heard about the biosolids in the marsh.
4 You've heard about the 24 hours a day of operation and the
5 effect that that may have on wildlife.

6 And I'd like to address also -- somebody had
7 mentioned in the pro the issue of cost, what are the
8 costs? And I appreciate that argument. And I think
9 economy is always a good subject to inform our decisions.
10 But the bottom line is that we have no idea what the costs
11 are of moving to an alternative site because there's only
12 one alternative analyzed in the 2005 EIR, and that wasn't
13 an alternative location. So we really don't have evidence
14 in any record that deals with the costs -- the actual
15 costs of moving the landfill.

16 So we respectfully request that the application,
17 the permit revisions be denied, not only because it's
18 incomplete now, but at the end of the year it will still
19 be incomplete because CEQA has not been complied with.

20 So I will submit comments from my -- Law Office
21 of Amber Vierling as well the Law Office of Dana Dean, who
22 represents the groups to protect the marsh, et cetera, the
23 petitioners that have filed active litigation against the
24 Phase 2 expansion. The originals are on top and the
25 copies follow.

1 CHAIRPERSON MULÉ: Thank you.

2 You do have a question from Committee Member
3 Wiggins.

4 COMMITTEE MEMBER WIGGINS: Did you say that there
5 are biosolids in the marsh?

6 MS. VIERLING: Biosolids in the secondary
7 management area of the marsh.

8 COMMITTEE MEMBER WIGGINS: In the marsh?

9 MS. VIERLING: -- Suisun Marsh as the 85,000
10 acres of protected area under the Suisun Marsh
11 Preservation Act, if that's --

12 COMMITTEE MEMBER WIGGINS: Well, I mean it's one
13 thing to say there's biosolids in the marsh. I mean what
14 are you -- what is the point here?

15 MS. VIERLING: That you have an area, and
16 identified by CEQA as an area of critical environmental
17 significance. And having biosolids in an area of that
18 environmental importance seems at odds. So my point is is
19 that --

20 COMMITTEE MEMBER WIGGINS: That's not in the
21 marsh.

22 MS. VIERLING: In the secondary management area
23 of the marsh --

24 COMMITTEE MEMBER WIGGINS: But it's one thing to
25 say they're in the marsh, because the marshes are

1 protected. So that's all I was trying to clarify.

2 MS. VIERLING: Okay. When I said marsh, I mean
3 the 85,000 acres of what they call the Suisun Marsh. I
4 hope that helps.

5 COMMITTEE MEMBER WIGGINS: Okay.

6 CHAIRPERSON MULÉ: Thank you.

7 MS. VIERLING: Thank you.

8 CHAIRPERSON MULÉ: Our next speaker is Frank
9 Kardos.

10 MR. KARDOS: Good evening. Thank you very much
11 for the opportunity to speak to you tonight. I'm Frank
12 Kardos. I'm a member of the Fairfield City Council. I'm
13 here to speak in behalf of this proposal.

14 I'd like to recognize Solano Garbage/Potrero
15 Hills for their many valuable contributions to our
16 community, besides the many groups and associations that
17 they have supported.

18 Things that go unnoticed is like last year we had
19 floods. Solano Garbage and Potrero Hills, they donated
20 their equipment, their personnel, their time, their
21 financial resources to address them. They have been
22 excellent citizens of our community.

23 I think their efforts is -- they have come before
24 our panel and we have heard comments either way. And I've
25 been very impressed over the last year about their

1 numerous safeguards and precautions. I think that is what
2 is behind the 3-2 vote in favor of the proposal by the
3 County Supervisors of Solano.

4 I also want to talk just briefly about something
5 else that we had preliminary discussions with them, as our
6 county and our city has a very good economic relationship
7 and contractual relationship with them. We see that we
8 have a growth or an urban limit line and there is only
9 going to be so much growth. And that revenue stream from
10 housing is coming to an end and we're looking at deficits
11 here in 2009-2010 and trying to plan alternative sources
12 of revenue, those being sales tax and corporate revenues.

13 One of the ways we're addressing that is, number
14 one, trying to develop a quality work force; but, number
15 two, energy. And as we look at depleted energy sources,
16 the instability of rising costs of that, we have
17 preliminary discussions, our staff with the city and
18 members of city council with Solano Garbage, in terms of
19 conversion of methane into LP.

20 The concept is is that if one megawatt can power
21 750 homes, the preliminary estimates are a facility of
22 that size can produce 10 to 12 megawatts, which is a
23 considerable amount of energy production.

24 We've had meetings with other corporate members
25 of our community about other sources of energy production.

1 So as we try and prepare our revenue sources in the future
2 in this city, one of the essential components is energy
3 costs. And I just thought that you should be aware of
4 some of the efforts that we're trying to make with that.

5 Thank you very much for the opportunity.

6 CHAIRPERSON MULÉ: Thank you, Councilman, for
7 being here this evening.

8 Our final speaker is Monica Lopes.

9 MS. LOPES: Hi.

10 Can you hear me okay?

11 All right. My name is Monica Lopes. And I am
12 citizen of Lawler Ranch, which is within 1.5 miles of the
13 marsh. And actually -- I'm actually two blocks from the
14 perimeter of the 85,000-acre marsh.

15 First of all I'd like to thank Supervisor Kromm
16 for his comments this evening, because there were a lot
17 points that I was going to make he's already made them, so
18 I won't restate them.

19 Second of all, I'd like to say that the local
20 planning committee denied the permit and it was appealed
21 to the board of supervisors and it was passed by just one
22 single vote.

23 As other people have mentioned, there was a lot
24 of testimony and a lot of opposition to the expansion of
25 the marsh. So I'd like the Committee to be aware of

1 that.

2 In the final EIR, there were a lot of unresolved
3 issues, one of them being the inadequate liner, inadequate
4 governmental monitoring by the Solano County LEA. Also,
5 trash, litter, just various problems that residents have
6 been experiencing.

7 I would also like to say that not only is Highway
8 12 impacted but also Highway 80. I travel that highway
9 everyday to work. And it's just very obvious when you're
10 going up 80 -- and as someone's mentioned before, the 680
11 and the 80 interchange, from there all way up to the
12 marsh -- I mean to the garbage site there's nothing but
13 bags and garbage and a lot of different things. So it's
14 not all of the landfill because there is some dumping
15 going on. But the windblown trash bags is clearly a
16 result of the transport of the trucks up and down 80 and
17 Highway 12.

18 I'd also like to state that Phase 1.5, there is
19 no EIR for that.

20 And I'd like to say that while several people
21 have said what a good neighbor Republic Services has been,
22 I think the smaller companies -- Solano Garbage Company
23 probably was a good neighbor. But Republic Services is a
24 different animal. This is a major corporation that is
25 national, with major investors, and it is not a little

1 local garbage company that used to be here. And the very
2 fact that they're before this Committee, without waiting
3 for the BCDC opinion, says that they're not good
4 neighbors. So I just want to make that point very clear.

5 Also, I'd like to say that I think if you were to
6 allow the permit, that it's really just asking for a lot
7 of trouble, not just the impacts of the permit, but also
8 legal, because there's a lot of legal questions here. And
9 I'm not a legal person, but other persons have alluded to
10 it. And I believe that it's a road that we don't need to
11 take. I think we should definitely wait for the BCDC
12 opinion.

13 Thank you very much. And I hope you will take
14 into account that even though -- someone mentioned that
15 when it first came to a vote, I think the vote was 53 to
16 1, but since over the past two years, the majority has
17 been against the landfill and particularly since it's come
18 into operation under Republic Services.

19 Thank you.

20 CHAIRPERSON MULÉ: Thank you.

21 (Applause.)

22 CHAIRPERSON MULÉ: We do have a request from the
23 operator to speak. So if the operator would like to come
24 forward now and make a presentation.

25 MR. BIRCH: Thank you Madam Chairwoman and

1 members of the Committee and Board members. My name is
2 Larry Birch. I'm the chief engineer and environmental
3 planner for the landfill.

4 And I wanted to explain my hat. I had an
5 accident yesterday as I was putting my trailer back on the
6 truck, and I have a little dent in my head. And it's
7 prettier with the hat on than off. So that's the reason
8 for the hat.

9 I want to pass out a form here that talks about
10 public hearings and meetings that have gone on for this
11 project in the last three years. This is meeting number
12 16 that -- was able to count most of the meetings.
13 There's been more than that.

14 But on this form, it covers the EIR that was
15 prepared -- the draft EIR that was started in 2003,
16 hearing held in 2004. There was a Suisun Resource
17 Conservation District. They are the stewards of the
18 marsh. They're the stewards of the marsh. And they were
19 concerned about what would this project do to the marsh.
20 They originally were concerned about that, thought there
21 would be visible from the marsh, and they opposed the
22 project. They no longer oppose the project. They favor
23 the project. And so there's another hurdle. We've gone
24 through many, many approvals through the years here.

25 The Airport Land-use Commission meetings, there's

1 been three of those. We are next door to Travis. And we
2 have taken measures for bird control. We use some of the
3 same coordinators that Travis uses on their bird control.
4 They have their falcon program. We have our falcons. And
5 so we believe that you'll find Travis on the support list
6 of the project.

7 The planning commission, we went through the
8 presentations and there was new information developed near
9 the end of that. The board of supervisors listened to the
10 evidence and they felt that this project in the majority
11 of 3 to 2 felt the project was good for the area.

12 Now, when you think about trash importation, if
13 you want to call it that, a regional landfill, that's a
14 local land-use decision that was made by the board of
15 supervisors here. If you back up and look and see why
16 we're getting more trash, if you go to the Integrated
17 Board website and look at the statistics on landfills, not
18 fully in that website but in knowing the history of what's
19 happened -- I started in this business back in 1968, and
20 there were 39 landfills serving 12 counties up here, all
21 around the bay. And we now are down to I think 15,
22 because a week ago Saturday west Contra Costa had a
23 landfill, a Republic Landfill was closed down. It filled
24 up to capacity.

25 A few months prior to that Sonoma County Landfill

1 closed because of -- not capacity, but because the
2 regional board said that's not -- shouldn't continue to
3 operate.

4 Basically, we have not had any new land fills
5 created in 14 years. No new landfills. We've tracked the
6 business pretty closely in looking for, where's the next
7 landfill -- new landfill? We know of no new landfills
8 that are under discovery or under study right now.

9 So if you look at the statistics and you see
10 these landfills closing down, and using your 2002 data on
11 capacities -- and just assume that the population growth
12 didn't happen, but it is, but say the population growth
13 continued but recycling kept up with that and we just had
14 an even, steady flow of waste to landfills, all the Bay
15 Area landfills will be closed in 2017. If you just take
16 the four landfills that are in the northern Bay Area, we
17 run out in about 2013. There's not a lot of landfill
18 capacity out there. That's why we've come to the county
19 with our proposal for a Phase 2.

20 Now, I want to show a little show and tell here.
21 There's been a lot of questions about why is there a Phase
22 1.5. And so I put together a little model. And this
23 basically is a scale model of the landfill at -- 1 inch
24 equals 500 feet. So this is a mile across here. And this
25 is what the landfill topography looked like before we were

1 here in 1984.

2 You have the Potrero Hills making their U. And
3 this is like one half of the Potrero Hills. Grizzly
4 Island Road is out in here. And if you look at this
5 laying down here, it's a nice secluded area in this
6 central valley. There was a stock water pond at this
7 location. And in our original Phase 1 permit we were
8 required to move that stock pond over here.

9 Okay. We went now to -- this is 25 million cubic
10 yards of garbage that goes into this little hole here.
11 That's what the landfill will look like, Phase 1, when
12 it's all built to capacity.

13 Now, in the scale of things here, if I set this
14 at this location, this is -- Highway 12 is about right
15 here. It curves and goes this way. Lawler Ranch is about
16 over here. What was approved in 1984 is this hill here,
17 this hill here, this hill here. And you can see right
18 through the highway and see that.

19 So back in 1984 they made the cautious decision
20 that visibility could be tolerated. That made -- they
21 went through the tests. And we do comply with the general
22 plan of Solano County. We have been found to be
23 compatible with the marsh two times before, in 1984 and
24 1996. So Phase 1 was tolerable.

25 Now we talk about Phase 2. Well, Phase 2 was a

1 combination of you build original Phase 1 a little higher
2 and you add onto it the lateral expansion people have been
3 talking about. I think it's going to fit.

4 And so this is the massive landfill of 80 million
5 cubic yards.

6 Okay. What is Phase 1.5? Well, if you look at
7 the EIR, it says we start over here and we add on the
8 Phase 1 landfill and we build to the east. And you start
9 out here at maybe 200 feet, 250 feet, 300 feet, 310 feet,
10 350 feet -- 330 feet, and then finally you get to 343 or
11 345 as the tallest point in Phase 2. Well, what is Phase
12 1.5? It's just the early portion of Phase 2. So the EIR
13 totally covers all of the area. The 310 foot elevation is
14 just one part of the completion of that project. It's
15 totally within the footprint of Phase 1. You can see the
16 darker green area.

17 So the concern about the EIR's not complete is
18 really not there. We didn't do the EIR. The county did
19 the EIR. And it was looked at by many agencies.

20 The phase 1.5 wasn't mentioned in the EIR. But
21 that is just the same thing, they didn't mention all 35
22 cells as being constructed. But we are building cells at
23 a time.

24 Now, moving on to the points of the visibility.
25 We're here to talk about Phase 1.5. We're slightly higher

1 than we were before. And from this visibility here, these
2 hills do a pretty good job of screening all of Phase 1.
3 And there's only about a 20-foot height you'll see right
4 along this line here for Phase 1.5. You're moving down
5 the highway at 55 miles an hour. You have these hills
6 back here that are 400 and 450 feet high. Basically it's
7 going to be ridge, ridge, ridge, and it's not going to be
8 blatantly spotted.

9 The board of supervisors didn't see this model,
10 but they understood the maps. And there has been
11 cross-section drawings shown. And they have -- they
12 understand that the visibility is something that could be
13 tolerated.

14 Now, we won't know about what BCDC feels about
15 Phase 2 until all the studies are completed. But from the
16 work that we have seen on grasslands, birds, salamanders,
17 and -- I'm missing the last one -- there was four --
18 wetlands, no fatal flaw is turning up. We have -- yes,
19 mitigation has been mentioned a lot. That's because we're
20 doing the job of -- when we take and occupy an area that
21 was once a pond, okay, we mitigated this 3 to 1. We moved
22 it down here and we built more wetlands. Successfully
23 passed all tests.

24 When it goes to Phase 2, that needs to be
25 discussed as: Is it 2 to 1, 3 to 1? And that's what BCDC

1 is talking about now in their studies.

2 So visibility on Phase 1.5 to me is a non-issue.
3 It's been accepted in the past, and is not a significant
4 change.

5 Traffic. There's no change in traffic. We're
6 talking about 500 vehicles in, 500 vehicles out on an
7 average basis. All vehicles are counted. If I drive in
8 there -- Larry Birch drives in there and -- they count my
9 car or the truck. The garbage trucks, recycle trucks,
10 dirt trucks, all of those are counted. What is kind of
11 the confusion here is the 3400 tons per day counts what is
12 disposed of, and we go into waste disposal language. And
13 the recycling is not following under that 3400-ton-per-day
14 limit.

15 Nighttime operation, 24 hours per day. We've
16 heard discussion about highways are busy. We're trying to
17 get the trucks in during the nighttime so that they're not
18 stalled in the traffic and sitting there idling and
19 polluting. They can make the runs up and back quickly.

20 And with the landfills -- local landfills
21 closing, that with time -- as time goes by, we need to
22 have some studies as to, okay, where's the next landfills?
23 Where are other expansions going to be necessary? We're
24 trying to provide expansions for our area here, not
25 necessary for all of northern California.

1 We now supply waste disposal services for 75
2 communities in the Bay Area. It's no secret. We publish
3 the data. We furnish the data for the -- what counts, the
4 diversions and what's buried. So that is an open record
5 that we're providing that space.

6 But we also have provided a guarantee to Solano
7 County, basically Fairfield-Suisun as the first part of
8 the family, is that we will guarantee the waste disposal
9 space for them in our landfill. So we're not running out
10 of landfill space at the local citizens' detriment.

11 The other thing on nighttime operations, we're
12 operating 21 hours per day under the current permit, and
13 the change would be three more hours. One of the letters
14 that was sent to the Board had an interesting comment
15 about it's nice to go out to the marsh in the nighttime
16 and see dark conditions and see the stars. And I agree
17 with that. I just came back from Bodega Bay. And I
18 didn't see stars from getting hit. But I saw -- I wanted
19 to see stars. But what happened? The moon was up. It
20 was a wonderful moon.

21 Okay. So many weeks of each month the moon rises
22 at nighttime and you don't see stars. We have rain about
23 85 times a year. And so you don't see starry conditions.
24 From November through February we have a lot of fog and
25 you can't see the stars.

1 Basically seven more lights that are down here in
2 this valley shouldn't be a detriment to somebody who wants
3 to go out in the marsh. Now, if somebody's going out
4 there different than what they do now, they're there
5 between 1 o'clock and 4 o'clock in the morning. I'm not
6 sure they're out there wanting to see stars. They may be
7 up to mischief.

8 I think Mrs. Guidotti has found people out here
9 on Scally Road, that didn't need to be there, partaking of
10 beverages in the middle of the night.

11 The other thing on lights, if you look at our
12 neighbors, there are lights at Lawler Ranch. But there
13 are significant lights at Travis Air Force Base. As you
14 drive out of here, you'll have to go down Highway 12
15 tonight. You're going to see a lot of lights that are
16 protecting our Air Force Base.

17 And so the night lighting we think is
18 misrepresented. The studies that have been made for BCDC
19 are not showing that those lights are going to be a
20 detriment to the wildlife out there.

21 Just close up here with just a couple of
22 comments. I guess you'd call them rebuttal. There's no
23 height restrictions for Travis. We have the bird control.
24 The Travis airplanes come in and land. Basically they're
25 coming in the other direction. They're taking off near

1 us. These hills are 450 high. They're reaching maybe
2 1500 feet above us by the time they're making their turn.
3 And so the landfill is not anywhere near being to the
4 point it's going to restrict the airplane flights.

5 Regarding garbage bags along the road. CalTrans
6 has a program. They always have those little mini-dumps
7 that they have. All these bags that are stationed out
8 there are to tell us something. We're slobs. We're
9 dumping litter out the car window. We're losing it out
10 back of our pickup trucks. CalTrans crews pick it up, put
11 it in bags, and leave it on the side of the road. In
12 Vallejo there must have been 500 to a thousand bags parked
13 there in the last month. Those have now been removed.

14 We do pick up litter three times a week on
15 Highway 12 for about a three-mile stretch. And it's the
16 cleanest segment of Highway 12 now.

17 The bags you see, if you were to drive westward
18 tonight and CalTrans had been picking up litter, it's not
19 from garbage trucks losing litter. It's people being
20 slobs. They just lose the litter out the windows. And
21 that's a consequence of our society.

22 Methane gas leaks. You know, the LNG that they
23 were talking about was actually a fuel truck coming in to
24 deliver fuel to our garbage trucks. Our garbage trucks at
25 Solano Garbage Company don't run on diesel fuel. They run

1 on LNG -- not CNG, but LNG clearly. And that fuel comes
2 from Arizona or from Wyoming. We'd love to make that fuel
3 out of the landfill. That's a potential Phase 2 project
4 that's named in the EIR and it's named in the use permit.
5 But there was no leak of LNG or methane gas from the
6 landfill.

7 Information still waiting. That kind of bothered
8 me. We have some -- being nonresponsive. The March 28th,
9 or whatever it was, letter that BCDC was looking for
10 information that was supplied to them, several waves of it
11 wasn't maybe in one document. I personally authored a
12 document that gave them all the data for November and
13 December. A lot of these things take a while to get the
14 information all gathered and then turned in.

15 I think we've just submitted our about an inch
16 thick document to the BCDC staff, and it answered
17 questions that we thought were the answers they're looking
18 for. They have asked us some more questions. It's
19 natural in this give-and-take process. And we agree with
20 the time extension that we -- the next 30 days or 20 days,
21 whatever it is, should be spent in making sure that this
22 Phase 1.5 permit is all answered and we don't have this
23 nonresponsive question, or what's the definition of this
24 feature or that feature.

25 Just one more point here that's on the page.

1 The litter pick up. If there's an embarrassing
2 part of this landfill, it's the wind blows and litter
3 doesn't stay with us. We have not had any surface water
4 pollution for 20 years leaving this landfill going
5 downstream. The water tests are actually better
6 downstream than upstream because there's cows upstream.
7 And when you measure the nitrogen upstream, it's higher
8 than it is after it's gone past us and flows coming off
9 the landfill. It basically diluted what's upstream.

10 No groundwater impacts.

11 The landfill gas. Yes, we've had some violations
12 where the flare went out because the wind blew or
13 something. But it was back on within the prescribed time.

14 But litter, that's a difficult one to tackle. We
15 are doing a better job. We now have the transfer of the
16 recyclables all caged in. That will stop that litter --
17 or it has stopped that litter. We're building more litter
18 fences, higher litter fences. But it's really difficult
19 to control the plastic bags. They just be like little
20 kites and off they fly.

21 Yes. We goofed probably -- June, we goofed years
22 ago by not keeping the purchase of the -- on her property
23 and just going through that. We would like to get to her
24 property. I was kind of surprised by the comments that we
25 didn't call. There was maybe a couple times where our

1 employees got a little aggressive. You wanted to pick up
2 that litter. They jumped over the fence.

3 There was also a little boundary dispute too as
4 to what is the actual fence line. We have a standing
5 letter to her that basically says, "If you don't want us
6 on your property to pick up litter, we will pay for you,"
7 Mrs. Guidotti to select whoever she wants, we'll pay on
8 the basis of the invoice of time and cost per hour and the
9 management fee and we'll provide the pick-up service.
10 If's it's not us, it's going to be whoever she chooses.

11 That's not the best solution. The best solution
12 is to catch it at the source, and that's what we're trying
13 to do.

14 And just the last thing I want to talk about is
15 this Phase 1.5 again. That's why we're here. We didn't
16 come to the LEA saying we needed Phase 1.5 because we're
17 having trouble with BCDC on Phase 2. Yes, that Phase 2 is
18 taking more time than anybody thought. We thought that
19 the biological study would start in January, it would
20 finish in May. It started in May. We thought it would
21 then finish in September. It's still -- we have not seen
22 final reports yet. We've seen draft reports. But it has
23 taken longer. But that's not because it's in trouble.
24 It's just the professors just took time to get all their
25 work completed.

1 We started Phase 1.5 because the Richmond
2 Landfill was closing. We've known this for several years,
3 and that we needed to bring them in on a nighttime
4 schedule if we can. And so the sooner that the nighttime
5 schedule is allowed, then we get that transportation more
6 efficient and less pollutants.

7 We also want to adjust what counts. The 3400
8 tons per day is waste disposal and not recycling.
9 Actually, we want to go back to 1996 conditions. The
10 traffic doesn't change from 1996. The area doesn't change
11 with the exception of the vertical height expansion. But
12 back in 1996, we nominated the 3400 tons per day to be
13 what's buried, what's landfill, what's waste disposal.
14 And a year or so later after that was -- that permit was
15 issued, an interpretation by the Board -- this Board was,
16 no, when you have a number in your permit, and that's that
17 little block, that's the total tonnage you can bring in to
18 your landfill. So we said, oops, because we were bringing
19 in recyclables to be composted, we were bringing in
20 concrete to be made into gravel. We're more than a
21 landfill. We're a resource recovery facility. And ADC
22 materials were brought in. And so we want to be able to
23 continue that service to provide that and have that
24 tonnage number go up.

25 So that's the reason for Phase 1.5. It's not

1 because we think our permit's in trouble. We think this
2 is a fine landfill. And, yes, I helped design it, so I've
3 got some faith in it of my own.

4 And that it takes time to do all these projects.
5 But I think what we really have to sense here is time in
6 the long term is somebody better start planning for where
7 are the future landfills going to be? We have no Phase 3.
8 Duane Kromm said, "Oh, yeah, look out here. They have
9 left this place bare." We'll, we've already nominated
10 some 5 or 600 acres of land that are more appropriate for
11 salamanders and for wetlands and for grasslands. And
12 to -- we're having a 150-acre footprint, yet we're
13 nominating 500 and some acres. We think, well, that's a
14 pretty swell proposal.

15 We pay the county -- something like 2 percent of
16 the General Fund monies comes from the garbage that goes
17 to the landfill and gets buried out there. And so you
18 might say that 2 percent of the General Fund in Solano
19 County is subsidized by -- what is it? -- 85 percent of
20 other garbage that comes in. We are paying 15 cents a ton
21 into a Suisun Marsh Education Fund. That raises something
22 like \$150,000 a year at 3,000 tons a day buried. And that
23 goes to grade schools, junior highs, high schools, junior
24 colleges and -- I can't say it -- Davis -- University of
25 California at Davis for special studies in the marsh or

1 education efforts. We are raising something like \$600,000
2 a year for the Suisun Resource Conservation District so
3 they can go out and protect the marsh in their water
4 master program and their levee construction program.

5 So when you hear about these so-called horrific
6 things that might happen, that's kind of speculation.
7 We've been here for 20 years and nothing like that's
8 happened. We were there about the time Lawler Ranch
9 started. In the 1984 hearings there was nobody from
10 Lawler Ranch came to the hearings. In 1989 nobody came.
11 In '96, I don't think so, but I can't prove that tonight.

12 But we think that if you were to query the people
13 of Fairfield as to "What do you think about Potrero Hills
14 Landfill being expanded?" they're going to be very much
15 like Supervisor Silva: "If it's done right and the marsh
16 is protected, it's a good idea, because we should keep the
17 disposal site local here."

18 So if there's questions I can respond to, I think
19 I've used up my time here.

20 COMMITTEE MEMBER WIGGINS: It was suggested by a
21 previous speaker that the plastic bags along Highway 12
22 towards Rio Vista came from the landfill.

23 MR. BIRCH: Yes. I don't think it would come
24 from the landfill. It doesn't blow that far.

25 Now, if it was the traffic that's delivering

1 wastes -- or some of the trucks that are delivering
2 wastes, the transfer trucks are the major source of the
3 materials that are coming from that direction. The Rio
4 Vista garbage truck comes in. Citizens will drive their
5 materials to the self-haul from Rio Vista if they want to
6 use the landfill. But the majority of the waste come in
7 transfer vehicles from the -- basically the transfer
8 station in Pittsburg. Those are covered vehicles. If
9 they are leaking litter, and maybe that's the case, that's
10 illegal. Highway Patrol can cite them for that. We don't
11 think that's a major source. Yes, there may be a bag.
12 But it's not a flagrant, constant, chronic-type thing.

13 COMMITTEE MEMBER WIGGINS: It's not from the
14 landfill then?

15 MR. BIRCH: No. It's not blowing that far. The
16 landfill -- okay. This location -- Highway 12 is about
17 three miles away to get it this downwind direction. And
18 we pick up the litter all through here on our property.
19 And we don't find any litter down as far as Branscom.
20 That's the next road over.

21 Thank you.

22 CHAIRPERSON MULÉ: Thank you, Mr. Birch.

23 Any other questions for Mr. Birch?

24 Well, if there's no further --

25 MS. LOPES: Excuse me, Madam Chair. May I have a

1 rebuttal a minute please? Just one minute for rebuttal?

2 CHAIRPERSON MULÉ: We can do that.

3 MS. LOPES: Thank you.

4 The first thing I want to say is, first of all,
5 thank you.

6 First of all, about the litter. It is coming
7 somewhere from the landfill. It is not citizens. Because
8 it's the same type of trash all the way up 80, all the way
9 up 12. There's no way in the world that many people are
10 littering the type of things that are being littered. As
11 I mentioned in my testimony, there is some dumping and
12 it's not the landfill's fault. But the rest of it is
13 attributable to the landfill.

14 Second of all, the issue about Phase 1.5. It has
15 never been mentioned before. It was not mentioned at the
16 local level from the local planning commission. It was
17 not mentioned at the board of supervisors meeting. And
18 now that -- he also admitted that 1.5 is within Phase 2
19 EIR. If it's within Phase 2, which has an EIR, then it
20 should be the decision of BCDC and not this Committee.

21 Thank you.

22 (Applause.)

23 CHAIRPERSON MULÉ: Thank you.

24 Board Member Peace, do you have a comment?

25 COMMITTEE MEMBER PEACE: You have to pull this

1 close.

2 You know, I just want to say that the Board is
3 not going to take action on this permit this month because
4 our staff did not have adequate time to review the permit
5 to ensure the public health and safety and the protection
6 of the environment.

7 The permit was not complete. It didn't have the
8 adequate closure and post-closure plans. It didn't have
9 the adequate financial assurance plans when it was
10 submitted.

11 And I have to say that I am very disappointed in
12 the operator and in the LEA for submitting something to us
13 that was not complete and didn't give our staff the
14 adequate time that it needed to review.

15 With that being said, I was wondering if, before
16 we leave here tonight, that our Legal staff or our staff
17 could let the people here know what is the rule of the
18 Board, what we can and can not do, what are the reasons
19 that the Board can turn down a permit and what is the
20 Board's role as it relates to CEQA; and, two, also what is
21 our legal relationship with other agencies, whether it be
22 the Water Board or the BCDC.

23 ACTING CHIEF COUNSEL BLOCK: Okay. Let me go
24 ahead and get started, and then either Howard or Michael
25 may jump in. And hopefully I'll get I think three

1 questions that you mentioned.

2 First of all, the Board's authority to concur or
3 object to a permit is set forth in Public Resources Code
4 Section 44009. With not going into a lot of details on
5 that, but the relevant issues actually have been outlined
6 in the staff presentation in terms of those items that are
7 within the Board's jurisdiction. And I think probably the
8 primary issue that maybe has been raised today is actually
9 not within the Board's jurisdiction is the siting
10 decisions, which are made at the local level. So that's
11 probably important to make clear.

12 Another significant issue that came up primarily
13 had to do with -- primarily dealing with other agencies,
14 had to do with BCDC, and a number of people mentioning
15 that the permit -- the Board's decision should wait for
16 that decision. For better or for worse, the statute
17 separates the Board's decision from the decision of other
18 agencies. The Board does not have the ability to delay
19 this permit until other agencies have made their own
20 decisions. Now, that doesn't mean that the Board's
21 approval overrules BCDC's decisions. I think it's
22 specifically mentioned in the item as well, even if the
23 Board concurs in this permit and the LEA issues it, to the
24 extent that BCDC's decision is necessary for certain
25 operations to occur at this facility, the facility won't

1 be able to start operating if they need the approval by
2 other agencies. It just simply means that they have
3 checked another permit that they need to get off -- yet
4 off of their list.

5 That was two. There were three questions. I
6 wasn't actually writing them down. I'm not sure if I
7 covered all three.

8 COMMITTEE MEMBER PEACE: What were the reasons
9 that we can deny a permit?

10 ACTING CHIEF COUNSEL BLOCK: Okay.

11 COMMITTEE MEMBER PEACE: Those are limited also.

12 ACTING CHIEF COUNSEL BLOCK: Those are fairly
13 limited. I think I did mention -- the ones that are
14 relevant, they're actually outlined in the agenda item
15 itself, for those that have it in front of them. Or if
16 they don't, certainly they can find those on our website.
17 They're fairly limited. They relate to financial
18 assurances issues, state minimum standards, closure plans,
19 the like. And then the ones that our staff had found that
20 we have some potential issues with are the ones that were
21 mentioned earlier in the presentation.

22 To the extent that the issues were not mentioned
23 in the staff's analysis, while they may be issues in the
24 broader sense for this landfill, they're not limited to
25 Board's jurisdiction to object.

1 CHAIRPERSON MULÉ: Thank you, Elliot.

2 We do have a question from Board Member Wiggins.

3 COMMITTEE MEMBER WIGGINS: Well, can BCDC

4 overrule a decision by the California Integrated Waste

5 Management Board after they make their decision?

6 ACTING CHIEF COUNSEL BLOCK: No. They're

7 basically -- the statute -- they're two separate sets of

8 authority. BCDC has its own set of authority over --

9 issues they have jurisdiction over, as the Waste Board has

10 its own. Essentially they're independent. Now, if the

11 landfill needs BCDC's approval to do X, the fact that the

12 Waste --

13 COMMITTEE MEMBER WIGGINS: X being what?

14 ACTING CHIEF COUNSEL BLOCK: Whatever that

15 item -- some aspect of the landfill revision, whatever

16 that is. Fill in the blank.

17 I should say I'm not specifically familiar with

18 all of BCDC's authority, so that's what you want to do is

19 pick something out of air.

20 But if there's something that BCDC has

21 jurisdiction over that requires their approval for it to

22 occur, the Waste Board's approval or -- of what's within

23 the Waste Board's jurisdiction doesn't either control or

24 require BCDC to either approve or disapprove, and vice

25 versa. They have two separate areas of jurisdiction.

1 And so there may be some overlap in the sense
2 that we might look at issues like litter, and we have our
3 own standards, and BCDC might have their own standards.
4 They wouldn't necessarily be litter standards. They would
5 be phrased within the context of protecting the marsh.
6 And they essentially -- they're independent/supplementary
7 of each other.

8 COMMITTEE MEMBER WIGGINS: I guess the question
9 is: If BCDC makes a ruling, that would prevail, wouldn't
10 it?

11 ACTING CHIEF COUNSEL BLOCK: Well, it would
12 prevail in the sense if the landfill needs an approval
13 from BCDC and they don't get it, they will not be able to
14 do what they need an approval for regardless of whether
15 the Waste Board has concurred in the issues of the permit?

16 COMMITTEE MEMBER WIGGINS: Yeah, that's what I'm
17 trying to get at. Okay.

18 ACTING CHIEF COUNSEL BLOCK: It doesn't mean the
19 Waste Board's permit goes away or it -- that the LEA's
20 permit goes away or isn't valid. But they won't be able
21 to --

22 COMMITTEE MEMBER WIGGINS: And if the CEQA is
23 considered inadequate?

24 ACTING CHIEF COUNSEL BLOCK: By who?

25 COMMITTEE MEMBER WIGGINS: By the Board staff.

1 ACTING CHIEF COUNSEL BLOCK: Well, there's
2 various options that might come into play depending on our
3 analysis of CEQA. I can ask Michael to explain those to
4 you if you want. I'm going to ask him whether he wants to
5 actually -- the problem is it's a little bit speculative.
6 I mean as -- the staff analysis says we haven't been able
7 to make that analysis. So he can certainly say in general
8 terms what the broad options are under CEQA. But I'm not
9 sure how useful those would be given that we don't have
10 all the information that we need yet to do that.

11 COMMITTEE MEMBER WIGGINS: Well, then I guess the
12 bigger question is: If the CEQA was considered inadequate
13 that the Board denied a permit based on that lack of --

14 STAFF COUNSEL BLEDSOE: Michael Bledsoe from the
15 Legal office.

16 Honestly, Member Wiggins, that question is too
17 simply asked. CEQA is a good deal more complicated than
18 the question would allow an answer. So, number one, it
19 would not be the staff's determination that the CEQA
20 document is inadequate. It would be the Board's decision.
21 So that's an important distinction.

22 It is also important to note that the Waste Board
23 in this situation is a responsible agency, not the lead
24 agency. So we have much less ability to shape the CEQA
25 document and much less authority.

1 But except in some peculiar circumstances that I
2 don't think are going to exist here, the primary ability
3 that the Waste Board would have if it determines that the
4 CEQA document is inadequate or that the lead agency has
5 failed to comply with CEQA is to sue the lead agency. So
6 that's the primary, not the only, but the primary avenue
7 we would have.

8 COMMITTEE MEMBER WIGGINS: This was a generic
9 question.

10 STAFF COUNSEL BLEDSOE: Yes ma'am.

11 CHAIRPERSON MULÉ: Okay. With that, we will
12 conclude this meeting.

13 Thank you all for your attendance and your
14 participation. We certainly appreciate it.

15 Thank you.

16 (Thereupon the California Integrated Waste
17 Management Board, Permitting and Enforcement
18 Committee meeting adjourned at 7:35 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board,
7 Permitting and Enforcement Committee meeting was reported
8 in shorthand by me, James F. Peters, a Certified Shorthand
9 Reporter of the State of California, and thereafter
10 transcribed into typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said workshop nor in
13 any way interested in the outcome of said workshop.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 27th day of October, 2006.

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